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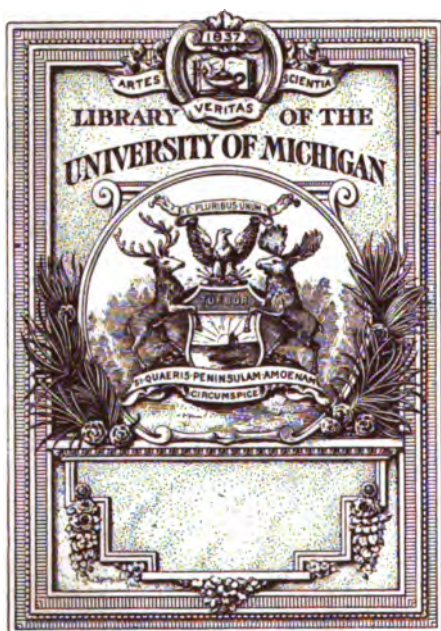
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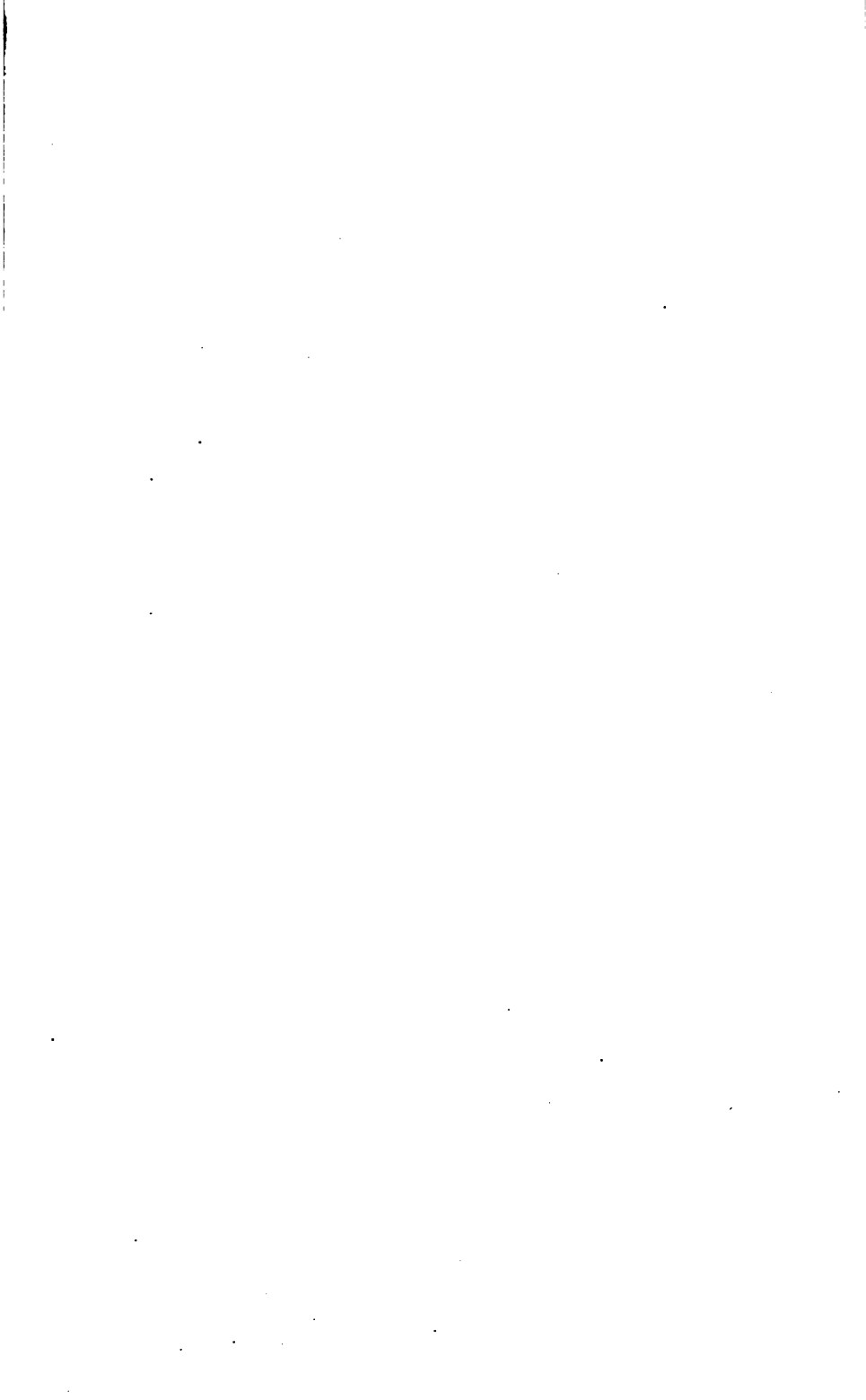
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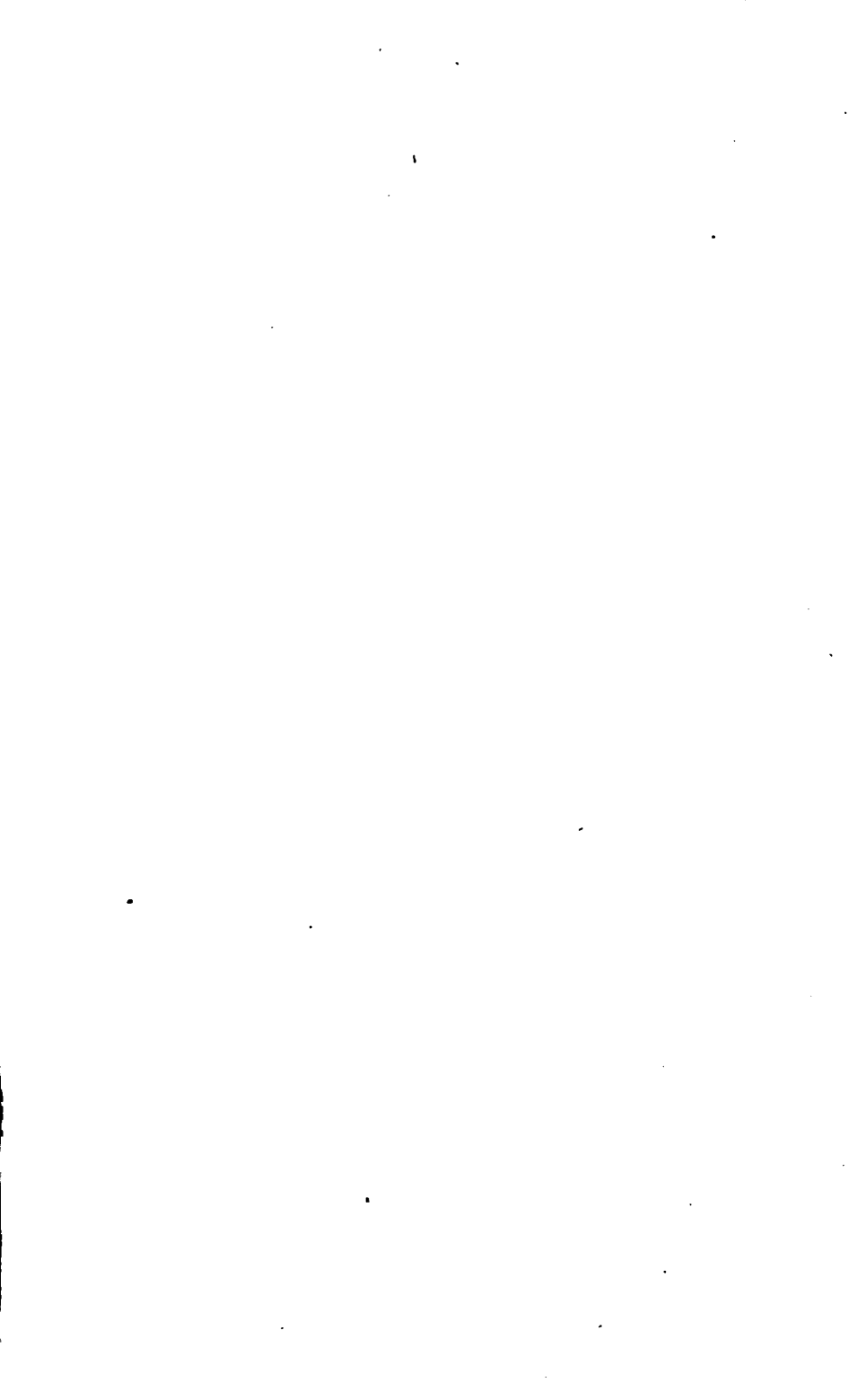
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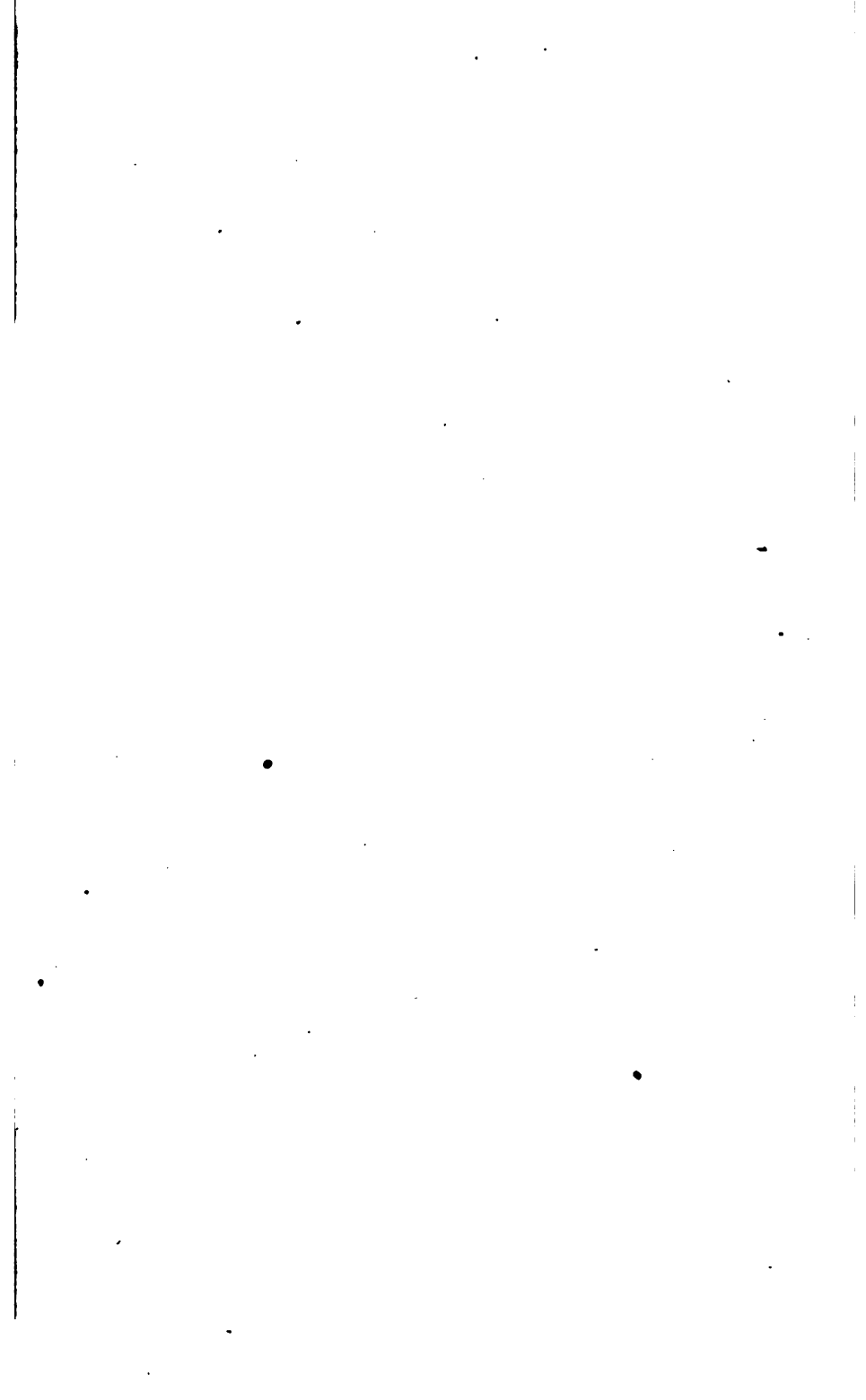




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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

ELEVENTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA,

WHICH CONVENED AT THE CAPITOL, IN DES MOINES, IOWA, JANUARY 8, 1866.

DES MOINES:
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1866.



JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

HALL OF HOUSE OF REPRESENTATIVES, {
DES MOINES, MONDAY, January 8, 1866. }

At 2 o'clock P. M., the House was called to order by Hon. Hoyt Sherman of Polk county.

On motion of Mr. McNutt of Muscatine, Mr. Wm. Hale of Mills county was elected Speaker *pro tem*.

On motion of Mr. Finkbine of Johnson county, Mr. C. S. Wilson of Marion county, was elected Chief Clerk *pro tem*.

On motion of Mr. Williams of Des Moines, Mr. J. D. Hunter of Hardin county, was elected Assistant Clerk *pro tem*.

Mr. Maxwell of Story county, nominated Geo. Bailey of Dallas county, door-keeper *pro tem*.

Mr. Griffith of Warren county, nominated G. M. Swan, for door-keeper *pro tem*.

Mr. Bailey was elected.

On motion of Mr. Knox of Wapello, Col. E. G. White was elected Sergeant-at-Arms *pro tem*.

Mr. West of Henry county, nominated James McConnell, for door-keeper *pro tem*.

On division of the House, Mr. McConnell was declared duly elected.

On motion of Mr. McNutt of Muscatine, a Committee of five on Credentials was appointed, to-wit:

Mr. McNutt of Muscatine, Barnes of Mahaska, Sapp of Pottawattamie, Russell of Jones, and Close of Black Hawk.

On motion of Mr. Knox of Wapello, S. W. McEldery of Jefferson was appointed Postmaster *pro tem*.

Mr. Russell of Jones, offered the following resolution, and moved its adoption :

Resolved, That the paper-folders and messengers of this House

shall be selected from the inmates of the Iowa Soldiers' Orphans' Home, as follows: Three girls for paper-folders, and three boys for messengers, and that the selections be made by the Speaker of the House, and that temporary messengers and paper-folders be appointed until the Orphans arrive at the Capital.

On motion of Mr. Sapp of Pottawattamie, the resolution was laid on the table.

On motion of Mr. Maxwell of Story, the Committee on Credentials were instructed to report to-morrow morning at 10 o'clock.

On motion of Mr. Rogers of Scott, the House adjourned to meet at 10 o'clock to-morrow morning.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, January 9, 1866. }

House called to order by the Speaker *pro tem.* Prayer was offered by Rev. L. D. Tracy.

The minutes of yesterday were read and approved.

Mr. McNutt, from the Committee on Credentials, submitted the following report:

Your Committee, to whom was referred the credentials of persons claiming seats in this House, having examined the same, beg leave to report that they find the following named persons entitled to seats as members, to-wit:

District No. 1.—Webster Ballinger, William G. Buck, Peter M. Lowdon.

District No. 2.—Joel Brown, Jonathan Thatcher.

District No. 3.—J. M. Garrett, H. C. Travis.

District No. 4.—M. M. Walden.

District No. 5.—Sam'l L. Glasgow.

District No. 6.—Thos. H. Brown.

District No. 7.—Charles Ben Darwin, Sam'l A. Flanders, J. Wilson Williams.

District No. 8.—John P. West, Thos. A. Bereman.

District No. 9.—J. T. McCullough, Geo. C. Fry.

District No. 10.—Charles Dudley, Peter Knox.

District No. 11.—H. L. Dasheill.

District No. 12.—A. B. Conway.

District No. 13.—J. F. Landes.

District No. 14.—Charles Linderman.

District No. 15.—W. C. Sipple.

District No. 16.—William Hale.

District No. 17.—N. T. Brown.

District No. 18.—G. G. Bennett, H. M. Holden.

- District No. 19.—T. A. Morgan.
District No. 20.—T. N. Barnes, Simon G. Gary.
District No. 21.—B. F. Van Leuven, James D. Gamble.
District No. 22.—George E. Griffith.
District No. 23.—J. M. Brown.
District No. 24.—William F. Sapp.
District No. 25.—R. M. Burnett, Samuel McNutt.
District No. 26.—R. S. Finkbine, G. E. Deforrest.
District No. 27.—John R. Serrin.
District No. 28.—David H. Emery.
District No. 29.—David Ryan.
District No. 30.—Hoyt Sherman, G. L. Godfrey.
District No. 31.—W. S. M. Abbott.
District No. 32.—H. M. Thomson, M. J. Rohlf, J. N. Rogers.
District No. 33.—B. R. Palmer, G. W. Thorne.
District No. 34.—Ed Wright, John G. Safely.
District No. 35.—John Wilson, Alva McLaughlin.
District No. 36.—John Russell, John McKean.
District No. 37.—J. B. Carbee, A. S. Belt.
District No. 38.—Alexander Runyan.
District No. 39.—Leander Clark.
District No. 40.—T. J. Wilson.
District No. 41.—W. T. Barker, T. S. Wilson, Andrew Bahl,
D. O'Brien.
District No. 42.—Albert Boomer.
District No. 43.—P. C. Wilcox.
District No. 44.—Cicero Close.
District No. 45.—T. B. Knapp.
District No. 46.—John Garber, P. P. Olmstead.
District No. 47.—A. Abernethy, D. G. Goodrich.
District No. 48.—A. E. Holmes.
District No. 49.—G. J. Tisdale.
District No. 50.—P. G. Wright, L. E. Fellows.
District No. 51.—J. H. Brown, H. B. Williams.
District No. 52.—W. C. Martin.
District No. 53.—G. M. Maxwell.
District No. 54.—D. W. Poindexter.
District No. 55.—L. D. Tracy.
District No. 56.—W. P. Gaylord.
District No. 57.—Robert Alcorn.
District No. 58.—L. Dwelle.
District No. 59.—G. W. Hand.
District No. 60.—Howard Graves.
District No. 61.—William L. Joy.
District No. 62.—S. J. Comfort.
District No. 63.—L. R. Bolter.
District No. 64.—A. R. Mills.
District No. 65.—A. L. McPherson.

District No. 66.—A. K. Crawford.

District No. 67.—Alex. Z. Huggins.

Your Committee would further report that some of the certificates are without revenue stamps, but correct in other respects.

SAMUEL McNUTT, Chairman.

On motion of Mr. Maxwell, the report of the Committee was adopted, and the Committee discharged.

On motion of Mr. McNutt, the oath of office was then administered to the Speaker *pro tem.*, by Mr. Joy. The members then arose in their places, and the oath prescribed by the Constitution was administered by the Speaker *pro tem.*, and thereupon members respectively came forward to the Clerk's desk, and subscribed their names to the oath. Messrs. Leffingwell and Stockman being absent, were not sworn in.

Mr. Finkbine offered the following resolution, which was adopted:

Resolved, that the House do now proceed to the election of its officers in the order in which said officers are named in the proceedings of the Tenth General Assembly.

The House then proceeded to the election of a Speaker.

Mr. Darwin nominated the Hon. Ed Wright, of Cedar.

Mr. Sipple nominated W. T. Barker, of Dubuque.

Thereupon a vote was taken with the following result:

Whole number of votes cast.....	95
Mr. Wright received.....	79
Mr. Barker received.....	14

Mr. Wright having received a majority of all the votes cast, was declared elected Speaker of the House.

The Chair appointed Messrs. Darwin and Russell a committee to conduct the Speaker to the Chair.

On taking the Chair, Mr. Wright spoke as follows:

Gentlemen of the House of Representatives:

For this expression of your confidence and partiality, you have my sincere and grateful acknowledgments. The position which, by your votes, you have called me to occupy, is one of honor and responsibility, always complex, and frequently perplexing. In assuming the responsibility incumbent upon me as your presiding officer, I feel a painful consciousness of my inability to fill the position in a manner satisfactory even to myself; but believing that every member here intends to act for the best interests of his constituents and the State at large, having always in view the fact that good order and a strict compliance with the rules that govern us are necessary for the accomplishment of that object, I feel that my labors will be rendered comparatively light.

I shall, to the best of my ability, administer the rules which may be adopted for our government together with those rules common to all legislative bodies; relying upon your generosity for assistance whenever necessary, and in the end to forgive all my short-

comings. Let us now apply ourselves to the business for which we were sent here, and endeavor to accomplish it in a manner that may be satisfactory to ourselves and our constituents.

The House then proceeded to the election of Chief Clerk.

Mr. Russell nominated Chas. Aldrich.

Mr. O'Brien nominated Robert Orme.

Thereupon a vote was taken with the following result:

Whole number of votes cast.....	97
---------------------------------	----

Mr. Aldrich received.....	79
---------------------------	----

Mr. Orme received.....	18
------------------------	----

Mr. Aldrich, having received a majority of all the votes cast, was declared duly elected Chief Clerk.

The House then proceeded to the election of First Assistant Clerk.

Mr. Hale nominated C. S. Wilson.

Mr. Sipple nominated John Shockly.

The following was the result of the ballot:

Whole number of votes cast.....	96
---------------------------------	----

Mr. Wilson received.....	82
--------------------------	----

Mr. Shockly received.....	14
---------------------------	----

Mr. Wilson, having received a majority of all the votes cast, was declared duly elected First Assistant Clerk.

The House then proceeded to the election of a Second Assistant Clerk.

Mr. McLaughlin nominated Benjamin Van Steenburg.

Mr. Wilson, of Dubuque, nominated F. F. Barker.

The roll was called with the following result:

Whole number of votes cast.....	92
---------------------------------	----

Mr. Van Steenburg received.....	76
---------------------------------	----

Mr. Barker received.....	16
--------------------------	----

Mr. Van Steenburg, having received a majority of all the votes cast, was declared duly elected Second Assistant Clerk.

The House then proceeded to the election of Engrossing Clerk.

Mr. Williams, of Winneshiek, nominated F. M. Benedict.

Mr. Brown, of Decatur, nominated J. W. Penny.

Thereupon a vote was taken with the following result:

Whole number of votes cast.....	89
---------------------------------	----

Mr. Benedict received.....	75
----------------------------	----

Mr. Penny received.....	14
-------------------------	----

Mr. Benedict, having received a majority of all the votes cast, was declared duly elected Engrossing Clerk.

The House then proceeded to the election of Enrolling Clerk.

Mr. Sapp nominated Major Joseph Lyman.

Mr. Bolter nominated A. H. Rooney.

The result of the ballot was as follows:

Whole number of votes cast.....	86
---------------------------------	----

Mr. Lyman received.....	73
-------------------------	----

Mr. Rooney received.....	13
--------------------------	----

Mr. Lyman, having received a majority of all the votes cast, was declared duly elected Enrolling Clerk.

The House then proceeded to the election of Sergeant-at-Arms.

Mr. Finkbine nominated E. G. White.

Mr. Wright, of Alamakee, nominated Thomas Spurrier.

Whereupon a vote was taken with the following result:

Whole number of votes cast.....	91
---------------------------------	----

Mr. White received.....	78
-------------------------	----

Mr. Spurrier received.....	13
----------------------------	----

Mr. White, having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms.

The House then proceeded to the election of Door-keeper.

Mr. Martin nominated Edward Johns.

Mr. Brown, of Winneshiek, nominated George Bailey.

The result of the ballot was as follows:

Whole number of votes cast.....	91
---------------------------------	----

Mr. Bailey received.....	76
--------------------------	----

Mr. Johns received.....	15
-------------------------	----

Mr. Bailey having received a majority of all the votes cast was declared duly elected doorkeeper.

Mr. Holden offered the following resolution, which was adapted :

Resolved, That the speaker be directed to employ Henry Courtney, W. H. King, and J. D. Green, 1st, 2d, and 3d messengers. James McConnell, and Frank Brown, as 1st and 2d paper-folders, and John A. Dickerson, as Janitor of the Hall.

The officers and employees elect, then came forward to the Clerk's desk, and the oath prescribed by the Constitution, was administered by the Speaker.

Mr. Burnett, offered the following resolution, and moved its adoption:

Resolved, By the House of Representatives, the Senate concurring, that S. W. McEldery, of Jefferson Co., be appointed Postmaster, and L. P. Baker assistant Postmaster of this General Assembly.

The resolution was adopted.

Mr. McNutt offered the following resolution, and moved its adoption:

Resolved, That the rules of the last House be adopted as the standing rules of this House, and that the Chief Clerk be requested to have three hundred copies of the same reprinted for the use of members ; and that he shall procure and have attached to said rules the name, age, occupation, county, post-office address, length of time in the State, religion, nativity, and boarding place of members of this House, and officers thereof.

Mr. Russell offered the following resolution as a substitute, and moved its adoption :

Resolved, That the rules of the House of Representatives of the Tenth General Assembly are hereby temporarily adopted for the

government of this House; and that a committee on rules, consisting of five members, be appointed by the Speaker, with instructions to report permanent rules for the government of the House, at an early day.

The motion to substitute was lost. Mr. McNutt's resolution was adopted.

Mr. Finkbine offered the following resolution:

Resolved, That the Chief Clerk be instructed to employ some competent person to make a diagram of the House for the use of the Speaker.

Mr. Williams moved to amend by striking out the words "competent person," and inserting "Robert S. Finkbine."

The motion to amend was lost, and the resolution was adopted.

Mr. Close offered the following resolution, which was adopted:

Resolved, That the Pastors of the different churches of this city be invited to act as Chaplain of this House, and to arrange among themselves as to the order in which they shall officiate.

Mr. Hale moved that a committee of two be appointed to arrange with the Postmaster of this city for the postage of members.

The motion prevailed, and the Speaker appointed Messrs. Hale and Sherman.

On motion of Mr. McNutt, a committee of two was appointed to inform the Senate that the House was organized and ready to proceed to business.

The Speaker appointed Messrs. McNutt and Fellows.

Mr. Wilson, of Dubuque, offered the following resolution:

Resolved, That a committee of two be appointed to call upon the Governor, and inform him that the House is organized and ready to receive any communication which he may deem it proper to make.

The resolution was adopted and the Speaker appointed Mr. Wilson, of Dubuque, and Mr. Rogers.

On motion of Mr. Maxwell, the House adjourned until two o'clock P. M.

JANUARY 19—2 O'CLOCK P. M.

The House met pursuant to adjournment.

Mr. Tracy moved that a committee of two be appointed to carry into effect the resolution adopted in the morning in regard to Chaplains.

The motion prevailed, and Messrs. Tracy and Close were appointed as such committee.

Mr. Bereman offered the following resolution which was adopted:

Resolved, By the House of Representatives, the Senate concurring, that the Governor of Iowa be requested to communicate with the Secretary of War, and to request on behalf of this Assembly, the immediate muster-out of service of the First Iowa Cavalry, and such other Iowa Regiments or companies whose services can be dispensed with.

GOVERNOR'S MESSAGE.

STATE OF IOWA, EXECUTIVE OFFICE, }
DES MOINES, January 8th, 1866. }

Gentlemen of the Senate and House of Representatives :

As the chosen representatives of the people, you are convened in obedience to the requirements of the Constitution, to discharge the important duties which devolve upon the Legislative branch of the State Government, and I heartily congratulate you upon the encouraging auspices under which we meet. From a condition of disastrous and protracted war, existing at the close of your last session, the country has triumphantly passed to a period of repose which, through wise counsels and the continued blessing of Providence, we fondly hope may become perpetual.

In communicating to you the condition of the State, as required by the Constitution, I deem it expedient for your information to present, in connection with the financial statement, an exhibit of our military expenditures from the beginning of the war to the present time. And I may be allowed to anticipate this exhibit with the remark that, considering the sparseness of our settlements, the absence of steamboat and railroad facilities, largely supplied by wagon transportation, and that, in proportion to our population, we have furnished a larger number of troops than any other State, promptly filling all our quotas, our record presents through the entire period an economy of expenditure equalled by no other State in the Union.

There was expended for military purposes from

May, 1861, to Nov. 4, 1861.....	\$233,568 43
Nov. 4, 1861, to Nov. 2, 1863.....	639,163 85
Nov. 2, 1863, to Nov. 4, 1865.....	169,231 00
Nov. 4, 1865, to Jan. 1, 1866.....	4,047 71

These dates express the periods within which the above sums were paid, but not when they were actually incurred. The amount incurred from Jan. 14, 1864, to Jan. 1, 1866, is \$44,931.32. Total military expenditures for all purposes up to January 1, 1866, are \$1,046,735.99.

It will be observed that most of these expenditures were incurred during the period beginning with the war and closing with the fiscal year 1863. This was caused by our being compelled, in order

to facilitate the military operations of the General Government, to defray a large portion of the expenses incurred in enlisting, transporting, subsisting, quartering and paying the volunteer forces organized in this State. The sums thus expended were regarded merely as money advanced to the United States, for which, under the Acts of Congress approved respectively July 17th and 27th, 1861, we are entitled to reimbursement.

Although we have filled four several requisitions of the President for troops, and organized four regiments and one battalion, during the last two years, yet the entire cost to the State will not exceed one thousand dollars. While I was anxious that our State should promptly discharge its entire duty in contributing to the national defense, in the way of furnishing men, I refused to defray the expense involved in recruiting and forwarding our quotas from the State Treasury; and accordingly the expenditures thus made were paid by disbursing officers assigned by the War Department. The residue of the expenditure of these two years was incurred in organizing the State Militia, under Act of the General Assembly approved March 26, 1864, transporting arms and ammunition, expense of the Adjutant General's office, detail of men for protecting Southern border counties from threatened raids in the fall of 1864 and the winter of 1865, and for all other military purposes except the Sanitary Department.

CLAIMS AGAINST THE UNITED STATES.

I desire in this connection, as briefly as I can, to present the condition of our claims against the United States for reimbursement under the Acts of Congress above referred to. The sums embraced in these claims were mostly expended during the first and second years of the war from the War and Defense Fund appropriated by Act of the Special Session, May, 1861. The history of our military transactions during this period is too well known to the members of your honorable body to require explanation here. The evidence is perfectly clear that these claims are for money unavoidably expended for legitimate military purposes; and also that they were allowed, audited and paid by the accounting and disbursing officers of the State, in strict conformity with the laws of the General Assembly. Upon this point, there has never been any room for controversy, as the accounting officers of the United States Treasury freely concede. But the real difficulty between us arises from the fact, that, after a large share of these claims had been paid by the State in the utmost good faith, the Secretary of the U. S. Treasury adopted a set of regulations exceedingly technical and unreasonable in their character, by which the accounting officers of that department were required to be governed in examining the military claims of the several States. In the biennial message of my predecessor, under whose adminis-

tration these transactions occurred, this conflict is fully explained, as follows:

"There is due this State, from the United States, for expenses incurred by the State in raising and equipping troops, and sending them to the field, and for other purposes growing out of the rebellion, the estimated amount of \$300,000. There is much difficulty in procuring an adjustment of this claim at Washington. When these moneys were expended by the State, there was no law of Congress, or regulation of the Federal Government, prescribing the form in which proof of the expenditure should be taken; and the General Assembly of this State provided, by law, for such proofs and vouchers as were deemed sufficient, both for the protection of the State and the United States. Upon presentation of these proofs and vouchers to the proper Department at Washington, they are found not to comply, in form, with regulations since adopted by that Department; and it is doubtful whether they will be allowed without some legislation by Congress. Some portions of these expenditures, thus made, are also objected to as not coming within the letter of existing laws of the United States. Among these are the sums paid by the State for the subsistence and pay of the troops that went from this State to Missouri, at the request of the United States officers, under the command of Colonels EDWARDS and MORLEDGE.

"There is, also, an unsettled claim against the United States, for expenditures by the State, for the protection of our people during the two winters following the massacre on our north-western frontier, by Ink-pa-du-tah and his band. The United States are also, in my judgment, justly liable for the amounts expended by this State in protecting our people on the north-western and southern borders since the commencement of the rebellion. I recommend the appointment of an agent of the State to proceed to Washington to press the adjustment of these claims, and to secure, if necessary, additional legislation by Congress for that purpose."

I fully concur in the opinion that the United States is under obligation to reimburse this State for money expended in defending our frontiers from Indian depredations. The General Government having assumed exclusive jurisdiction over the Indian tribes, and, being therefore responsible for their conduct, should willingly refund all money necessarily expended by this State in protecting its borders against their savage incursions. The claim for money expended in maintaining the Northern Border Brigade rests upon this ground. The organization of the Southern Brigade was rendered necessary, in the opinion of the General Assembly, to protect the border counties from the depredations of guerrilla bands existing in the adjacent State of Missouri. These expenditures, though constituting just claims against the United States, in the absence of any general law covering the case, will not proba-

bly be secured to us without further legislation by Congress. This matter is respectfully referred to your consideration.

In compliance with the provisions of Chapter 61, Acts of the last session, I visited Washington and found the military claims of the State in a very unsatisfactory condition. But little progress had been made in their examination, and, under the regulations above referred to, most of them were necessarily suspended as the examination advanced. I pointed out the gross hardship of these regulations to the Secretary of the Treasury, and repeatedly solicited their modification, so as to make them conform to the laws of this State, under which our claims were allowed and paid. Failing in this, I presented the matter to the President, who readily perceived their injustice, and gave his opinion to the Third Auditor of the Treasury, that, under the circumstances, they should not be rigorously applied in the examination of the Iowa claims. Although this opinion was freely expressed by the President, yet he declined to make any positive order for the modification of these rules, on the ground that the subject was within the peculiar province of the Secretary of the Treasury. Repeated efforts have been made by myself and others for a suspension or change of the regulations mentioned, so as to procure a favorable examination of our claims, but so far the labor has been unavailing.

On the 1st of October last, I was advised by the Third Auditor that the preliminary examination of the Iowa claims had been concluded, and a "statement of differences" forwarded. From this statement, now in the Executive office, it appears that the total amount of Iowa claims on file in the Treasury Department is about \$616,739.07. Of this amount, \$20,825.00 have been allowed; \$430,326.70 suspended, and \$165,589.23 disallowed.

To have a full understanding of the subject, it will be necessary to bear in mind that this total of \$616,739.07 embraces the entire amount of our Military expenditures for a given period, including expenses of the Adjutant-General's Office, Governor's Aids, interest on money borrowed, State Agents, duplicate payments to troops, &c., which do not come within the provisions of the Acts of Congress, and for which we cannot reasonably expect reimbursement. This class of claims amounts in the aggregate to \$165,589.23, stated as disallowed. The sum of \$430,326.70, stated as suspended, is money legitimately paid on behalf of the United States in recruiting and getting troops into the field. This sum has been merely suspended for want of the technical proofs required by the Treasury regulations above referred to, and is subject to re-examination and allowance. This is the entire amount in dispute between the State and the General Government under the Acts of July, 1861.

Upon this claim the United States is entitled to credit for \$384,274.80, being the quota of the direct Federal tax apportioned for the year 1861, to this State by the Act of Congress approved

August 5, 1861, the assessment and collection of which the State assumed by Act of the General Assembly, approved January 31, 1862, and also to the further sum of \$100,000.00 paid the State from the United States Treasury, in advance of settlement on our military disbursements specified above—making a total credit of \$484,274.80.

Subsequent levies of this direct tax upon the States were abolished by Act of Congress, approved June 30, 1864, but leaving them still liable for the apportionment of 1861. Section 53 of the Act of August 5, 1861, and the Act amendatory thereto, approved May 13, 1862, provide in substance for allowing such portion of this tax, due from any State, to be paid and satisfied in whole or in part by the release of such State, duly executed, to the United States of any liquidated and determined claim of such State for reimbursement of expenses incurred in enrolling, subsisting, transporting, &c., troops employed in aiding to suppress the rebellion, as should be filed with the proper officers of the United States before the 30th of July 1862. The bulk of the military claims of this State was duly filed in the Treasury Department within the time thus limited, but not having been "liquidated and determined" by its accounting officers, no release has or could have been executed.

All of the money derived to the State Treasury from the levy imposed by the Act of January 31st, 1862, has been absorbed in the redemption of warrants issued upon these War and Defense Claims, and was, therefore, a virtual payment of them out of funds belonging to the United States, being sufficient as will be perceived with the \$100,000.00 advanced to the State to more than cover the entire amount of our suspended demands against them.

Under these circumstances, I have determined to hold these unadjusted claims as an offset to this direct tax, unless otherwise directed by the General Assembly. This course I have considered necessary to protect the interests of the State from what I am constrained to regard as exceedingly disingenuous conduct on the part of the Treasury Department towards us. By pursuing this course, but little detriment can result to the State from the suspension of our claims. But as a final adjustment is desirable for both parties, steps should be taken to procure it without unnecessary delay; and I therefore recommend the appointment of a special committee to investigate the subject, and report a definite and practicable plan for securing a settlement.

FINANCE AND REVENUE.

Our financial affairs were never in a sounder condition. During the entire period of the war we have levied but two mills on the dollar for State purposes; and have incurred an indebtedness of only \$300,000, which was for military expenditures during the first

year of the war. The total amount received in the Treasury during the fiscal two years ending November 4, 1865, was \$977,825.10; and the amount expended for all purposes for the same period is \$952,739.42, leaving a balance in the Treasury of \$25,087.68.

The total amount of State revenue derivable from general levy at two mills, and other sources for the ensuing biennial period, excluding the estimated balance due from the United States Government, may be calculated at \$1,311,002.87.

The total disbursements required for the same period for ordinary purposes, including payment of bonds (\$200,000) due in 1868, may be estimated with approximate accuracy at \$794,923.65, leaving a balance of \$516,079.22 in favor of resources, from which to make such special appropriations as the General Assembly shall deem expedient.

The entire debt of the State is only \$622,295.75, consisting of \$122,295.75 loaned from the Permanent School Fund, November 12th, 1864; loan of \$200,000.00, payable January, 1868; and \$300,000.00 War and Defense Bonds.

The amount loaned from the School Fund is, practically, so much borrowed from ourselves, and is only a method resorted to for the permanent investment of that fund. The interest on this loan is due semi-annually; but the principal is payable at the pleasure of the General Assembly; leaving only \$500,000.00 as the actual indebtedness of the State. The \$200,000.00 due January 1st, 1868, may be promptly met from present resources. The remaining \$300,000 are not due until 1881.

This record of economy and exemption from indebtedness is a subject of profound satisfaction to our people.

The annual interest on the bonds of 1858 amounts to \$14,000; and, to curtail this expenditure as far as possible, I recommend the passage of an act authorizing the State Treasurer to redeem these bonds as he may be able to secure them; out of money in the Treasury not required for other purposes.

Our laws regulating the assessment and collection of taxes, though possibly defective in some respects, have in the main been eminently successful. Careful observation has satisfied me that any attempt to improve the present revenue system by additional legislation would be an experiment of doubtful expediency.

POPULATION.

The population of Iowa, according to the census of 1863, was as follows:

Total number of whites.....	700,842
Total number of blacks	1,320
Total population...	<hr/> 702,162

According to the census of 1865, the population of Iowa is as follows :

Total number of whites.....	751,125
Total number of blacks.....	3,607
Total population.....	754,732

No report for 1865 from the populous county of Winneshiek has been furnished, and the return for 1863 being taken for this county, a heavy increase is thereby omitted in the above calculation. The census of 1865 also having been taken in the early portion of the year, the spring and fall immigration is necessarily left out. In all probability there are now over 20,000 people, residents of Iowa, not included for these reasons in the above statement, which would give an actual population of about 775,000. It will be observed that our increase has been much greater during the last two years than the former periods. If the increase continues in the same ratio during the residue of this decade, we may justly anticipate the next National Census will give us a population of nearly one million.

It is observable that the ratio of our increase keeps pace with the advance of railroad enterprises, furnishing, as they do, increased facilities for traveling, and additional means for improving and developing the resources of the State.

The large amount of unoccupied and fertile lands within our borders, our vast agricultural resources, and our healthy climate, furnish so great inducements to the surplus and enterprising population of the older States, that we may reasonably expect this rapid increase of population to continue for years to come.

SCHOOLS.

By reference to the clear and comprehensive report of the Superintendent of Public Instruction, it will be observed that the schools of the State are in a healthy and flourishing condition. The system is working well, and is so far perfected as to require but little additional legislation.

The average attendance of pupils during the year 1864 was 117,378, and the number of youth of school age, 294,912. Out of 324,338 enumerated school children in 1865 there was an average attendance of 119,593 pupils.

Nothing committed to your care is more far-reaching in its importance than the education of our youth. To carry out this exalted duty successfully, we need not only the munificent school fund at our disposal, but we need especially an increasing corps of thoroughly trained and competent teachers. This is manifestly a great educational demand.

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To supply this pressing want; a Normal Department has been added to the State University; but it is questionable whether this provision is or can well be adequate to the purpose. I would therefore most earnestly invite your attention to the importance and necessity of establishing a special school for the exclusive purpose of training teachers, with as little delay as possible. The value of special preparation for all professional avocations cannot be easily over-estimated, and should certainly not be disregarded in the infinitely important work of educating the young. I therefore cordially approve and recommend to your favorable consideration the suggestions of the Superintendent of Public Instruction, bearing on the subject of a Normal School.

STATE UNIVERSITY.

The State University, located at Iowa City, is meeting with a most gratifying success. The present year opens with a largely increased attendance in all the departments. Established by the Constitution, munificently endowed by grants of lands, centrally situated in the midst of a cultivated and enterprising community, with the growing confidence of our people, and conducted by a faculty of laboring and competent professors; it bids fair in time to equal in usefulness and renown the famed seats of learning in the older States.

An appropriation was made at your last session for the erection of an additional and much needed building. Owing to the unexpected and rapid advance in the price of material and labor, a farther appropriation of about \$11,000 will be necessary to complete the structure as designed, which I earnestly recommend be granted. The wants of this important institution should always be promptly provided for.

A University is properly an institution in which all departments of learning are taught. A branch for instruction in the science of medicine is now established at Keokuk. In order to obviate the necessity our young men are now under of going out of the State to pursue a regular course of studies in jurisprudence, and to pro-

mote sound legal learning, I recommend the organization of a Law Department, with power to confer diplomas upon graduates which shall entitle their possessors to practice in all the Courts of the State.

While in some respects it would be desirable to have the Law School, when established, located at the same place with the collegiate department of the University, yet the fact that the United States and State Supreme Courts, attracting at regular periods the most eminent legal talent of the State, sit at Des Moines, and that the State Law Library, a valuable auxiliary to a Law School, is also located there, present peculiarly strong reasons for the location of this school at the Capital. Law students will naturally seek Court centers, where, while studying the principles of law, they can also observe its practical workings in the conduct of causes.

PERMANENT SCHOOL FUND.

The Auditor in his able report has called your attention to the present condition of the permanent School Fund. This subject should receive your early and serious attention. The plan originally adopted of distributing this fund among the counties, vesting the school fund commissioners with authority to loan it out to individuals, always of doubtful expediency, has caused much embarrassment, and resulted in a material diminution of the fund. Through the incompetency and mismanagement of county officers a large amount remains unaccounted for, and although strenuous efforts have been made by the Auditor of State to obtain a satisfactory adjustment of the accounts, great discrepancies still exist in many instances between the sums charged to counties and the amounts accounted for in their returns. Unless a careful settlement can be obtained with those delinquent counties, and the remedies against them strictly enforced, the ultimate loss to the School Fund will amount to many thousands of dollars.

The last General Assembly, by the Act approved March 29, 1864, attempted to provide for the gradual return of the School money to the State Treasury; but this Act leaves it discretionary with the County Supervisors to retain and reloan it in their counties, or direct it to the State Treasurer for the purpose of being invested in U. S. Stocks, as they may deem advisable. If it should be considered expedient to withdraw this fund entirely from the counties, and invest it in safe and available securities, it will be necessary to modify the 2d section of this Act, and make it obligatory upon County Treasurers to transmit this fund promptly as received to the Treasurer of State for investment. I cordially recommend to you the suggestions of the Auditor, whose opportunities for thoroughly understanding this subject entitle his views to great weight.

Our Constitution makes the State the responsible and perpetua.

guardian of this fund, ultimately liable for every dollar which passes through its hands. From this liability the State cannot absolve itself; and, the people being subject to taxation for all losses which may occur, the importance of carefully guarding and preserving this fund by efficient legislative enactment is apparent. The educational interests of the State, and the success of our common schools depend upon it; and therefore this duty must at all hazards be faithfully performed.

It should be borne in mind that the principal constitutes the permanent and inexhaustible fund, while only the interest derived from its investment creates the semi-annual fund distributed among the schools of the State for their current support. No mode of investment or rate of interest is prescribed by the Constitution. This matter is left to the sound judgment of the Legislative department. We may loan it out to individuals as we have heretofore done, or invest it in bonds either State or National. I am decidedly of the opinion that it would be advisable to require the whole of this fund, now floating among the counties, to be returned to the State Treasury as soon as practicable, and so invested as to render the interest promptly receivable for apportionment among the schools.

Would it not be judicious to redeem our outstanding State bonds with this fund, executing in lieu thereof, bonds bearing the same rate of interest, payable semi-annually to the School Fund, and the principal redeemable at the pleasure of the General Assembly? We are now paying an annual interest of \$35,000 upon our bonded debt, and the most of this goes into the pockets of non-resident holders. By adopting the plan here suggested we could, within a reasonable time, liquidate our entire indebtedness, by transferring it to ourselves, paying the Schools of the State instead of strangers, the interest accruing thereon; and at the same time make a safe and permanent investment of this sacred fund. I can perceive no sound objection to this measure, and its importance is so obvious that I trust it will meet with your early and favorable consideration.

AGRICULTURAL COLLEGE.

The completion of the Agricultural College is a subject which demands your early attention. By the Act of Congress under which we obtained this rich endowment of lands for the benefit of Agriculture and the Mechanic Arts, the State is required within five years from the date of the grant, to provide at least one College as described in said Act. If we fail to comply with this condition, the lands thus granted will revert to the United States. To lose this magnificent donation by our own neglect or parsimony, after having accepted it, would not only reflect lasting disgrace upon the State, but would be an irretrievable injury to the advance-

ment of our agricultural interests. The primary object of this grant is to establish an experimental and model farm where all the fruits and cereals adapted to our climate and soil may be thoroughly and scientifically tested. The object of the College, as contemplated by the law, is to teach the different sciences which are necessary to more eminently qualify our young men for this ennobling avocation. Such is the character of our climate and soil that agriculture will not only be a profitable pursuit, but must, in the very nature of things, forever constitute the great underlying interest of the State. Therefore, the necessity of providing an institution for the proper education of our young farmers in all those branches applicable to their calling is so obvious, that I trust you will not, as the legal guardians of this projected institution, hesitate to freely give it your fostering care.

As required by the act of the last session, the Board of Trustees, after careful and due examination, adopted a plan and specifications for a College building. In addition to this, the Board secured sworn estimates by architects and master-workmen, of the cost of the building according to the plan submitted. The proof so furnished satisfied the Board and myself that the structure thus designed could be completed within the limits prescribed by the Act.

The work was begun in the utmost good faith; but the estimate of expenses being based upon prices prevailing at the time, our calculations were, to a great extent, frustrated, in consequence of the unexpected and exorbitant advance in the prices of materials and mechanical labor. The foundation is completed and ready for the walls, and a large portion of the brick for the entire building on the ground. The appropriation, it will be remembered, was but two-fifths of the limited cost of the structure. These facts are more fully explained in the memorial of the Board, which in due time will be presented for your consideration.

This building must be completed at all hazards, and I trust the General Assembly will not hesitate to make an appropriation adequate to accomplish the work within the time limited by the grant. When completed upon the present plan, next to the Insane Asylum at Mt. Pleasant, it will be the finest edifice in the State; and will have been erected for a much smaller sum than the other States have expended upon their Colleges under the same grant.

I also recommend an appropriation of \$5,000 for the purpose of reliably testing, by means of an experimental orchard, the varieties of fruit best adapted to the soil and climate of this State, and for the purchase of additional heads of improved stock. These departments will be of immense practical value to the State, and can soon be made self-sustaining; and their utility depends very much upon their early introduction.

HISTORICAL SOCIETY.

The State Historical Society is one of the established institutions

of the State, and its utility as a permanent repository of historical documents, relics and memorials, will be increased from year to year. This institution should be liberally provided for. The interesting report of the curators herewith transmitted, will furnish you with a satisfactory statement of its present condition and wants, and I respectfully and earnestly commend them to your attention.

CHARITABLE INSTITUTIONS.

The Charitable Institutions of the State demand your careful attention, and they should receive all needful and appropriate aid. The reports of the proper officers of the Insane, Blind, and Deaf and Dumb Asylums herewith submitted, will furnish you with all necessary information in regard to their financial affairs and general condition. They appear to have been both ably and economically managed. And it should be regarded as a matter of sincere gratification, that these institutions, in spite of the many embarrassments incident to their foundation and early growth, have steadily advanced in usefulness, and are now in an exceedingly flourishing condition. As our population increases, we may naturally expect a corresponding augmentation in the number of our unfortunate fellow-citizens who will require treatment and education in these different institutions, and it becomes our solemn duty to render them fully adequate to the increasing demands of the State.

The law requires the expense of supporting patients at the Insane Asylum to be paid either from private means or by the counties from which they are sent. Great inconvenience results from the tardiness with which many counties return their dues to the State Treasury, while some of them have wholly neglected this duty. The importance of promptly paying their dues should not be overlooked, as all deficiencies must be made up to the Asylum from the general State Fund.

The Trustees of the Asylums for the Blind, Deaf and Dumb, and Insane, present, in their reports, the proper financial statements, and ask appropriations for repairs, improvements, and contingent expenses deemed necessary to advance the utility and meet the increasing wants of their respective institutions, which I trust will be promptly and favorably considered.

STATE PENITENTIARY.

The Penitentiary at Fort Madison is one of the permanent and indispensable institutions of the State. It is, as yet, incomplete, and for years will need regular appropriations for current expenses not only, but large outlays for additions and improvements. It now has accommodations for 148 persons, and 14 additional cells in a short time will be ready for occupancy.

A warden's house, a clerk's office, a vault for the safe keeping of the records of the institution, and a building 104 by 40 feet for the purpose of a convict kitchen, dining hall, chapel and hospital are about completed.

The labor of the convicts has been leased at the rate of 40 $\frac{1}{2}$ cents a day, per man, the contract having been made for 10 years from January 1st, 1865.

The Warden asks for appropriations to complete the yard wall, to construct a sewer from the south east corner of the yard to the river, to build a reservoir for water on the hill, for greater protection against fire, to put up fixtures for the purpose of warming and lighting the cells, which is now indifferently done, to enlarge the yard by moving the wall to the western limits of the prison grounds, to convert the west wing into cells, and for other important repairs and improvements, amounting in all to \$48,100.00.

The expediency of these appropriations is respectfully referred to your intelligent consideration. I earnestly urge upon you the importance of adequate security against fire by the means proposed in the Warden's Report, as no insurance can be effected; and of properly warming and lighting the cells of the convicts, so that the inmates can be rendered comfortable, and spend their leisure hours in reading.

I invite your attention to the Warden's Report, which will furnish you with a detailed statement of the receipts and disbursements of the Penitentiary, and suggest the appointment of a special committee to visit the institution, and report upon the propriety of the appropriations and improvements recommended. I take great pleasure in saying that the affairs of the prison have been conducted with marked success in all the departments.

LAND GRANTS.

The elaborate and comprehensive report of the Register of the State Land Office, will present you the condition of the various land grants, which have been made by Congress at different times for the benefit of the State. It will be observed that many questions of an exceedingly complicated character have arisen from the conflicting claims of the parties interested in these several grants, the full and just determination of some of which may require judicial investigation. To settle these questions, however, so far as they can be settled by legislative action, will involve much thorough and patient labor. A large number of our citizens who have settled upon public lands in good faith under color of title, now find their homes jeopardized on account of claims insisted upon by corporations which have become beneficiaries of those grants. These adverse claims, in most cases harshly insisted upon, will, unless, some remedy is provided, ultimately cause great inconvenience and perhaps ruin to a large number of our enterprising

and worthy settlers. It was evidently the intention of Congress in all these grants to preserve inviolate the rights of *bona fide* settlers, and allow them a fair opportunity to purchase at the minimum price. And the attempts now being made by these corporations to appropriate these lands against the rights of the settlers, are, in my judgment, a manifest departure from the spirit of the grants. I therefore earnestly recommend such legislation on your part, and resort to judicial tribunals, both of which I deem essential, as will speedily bring these conflicting interests to a full and final adjustment.

The difficulties existing in the adjustment of the Swamp Land claims in the Department at Washington are fully explained in the Register's report. I entertain the hope that these difficulties will be fully removed within a reasonable time, and that the counties will not be long delayed in procuring the allowance of their claims.

The law provides that where lands, afterwards proven to be Swamp lands, have been sold by the Government, the purchase money shall be refunded to the State, which goes to the benefit of the proper county. A large number of warrants for the indemnity money have been issued by the United States Treasury, and forwarded to this office. Some of these warrants, without coming into my personal possession, have been improperly and illegally applied by parties through whose hands they have passed, and the counties to which the warrants belong, have, up to this time, failed to receive their money. This matter is of so grave a character, that I deem it incumbent on me to call the early attention of the General Assembly to it, and I therefore ask for the immediate appointment of a joint committee to investigate the facts.

JUDICIAL SALARIES.

Your attention is especially invited to the subject of judicial salaries. Chapter 19, Acts of the Extra Session September, 1862, reduced the salaries of District Judges to \$1,300.00, and of the Supreme Judges to \$1,800.00. When this Act was adopted we were in the midst of the rebellion, liable to extraordinary outlays of money for an indefinite period, and the reduction of salaries was then regarded by the Legislature as an important measure in the generally policy of retrenchment. The wisdom of such a measure, however, at any time, may be seriously questioned, especially in regard to judicial officers; for it should not be forgotten that upon the purity, ability and independence of the judiciary depends to a great extent our stability and strength as a nation. These essential qualifications cannot well be secured or continued by a system of compensation which is inadequate to the proper support of judicial officers. Those best qualified for the bench must, under the most favorable circumstances, make great pecuniary sacrifices in becoming judges. This reduction of salaries in

its application to the District Judges took effect in January, 1863, with the commencement of the present terms, but in providing for the reduction of the salaries of the Supreme Judges "after the several terms of office of the present incumbents expire," it may well be doubted whether the act takes effect until the close of Justice Lowe's term in January, 1868, inasmuch as his is one of the "several terms which will not expire" until that time. Otherwise the anomaly would be presented of paying some judges less compensation than others of the same grade, and for performing the same service. This the General Assembly clearly never intended, and it may well be doubted whether they could have done so under the Constitution. This view is sustained by two of the Supreme Judges and the Attorney General, whose opinions will be found in the Auditor's report. If therefore, it be correct that the salaries of these judges have not yet been affected by the operation of this law, the constitutional provision against changing the compensation of judges during the term for which they are elected, will not be contravened by its repeal, which would leave the salaries of all the Supreme Judges at \$2,000. But whatever view you may entertain as to the time of taking effect of this law, I trust you will perceive the expediency of its immediate repeal, as this cannot change the salaries of those now in office.

In my opinion the public interests would be clearly subserved by paying our District Judges \$2,000 a year, and those of the appellate tribunal \$2,500. A law increasing the salaries of District Judges would take effect in January, 1867, at which time the terms of the present incumbents will expire; but those of the Supreme Bench cannot be increased, if this view of the Constitution is sustained, until after all of the present terms shall have expired.

I recommend that you constitute the judges of the Supreme Court "Commissioners of Legal Inquiry" in place of those contemplated by section 2675 Rev. 1860, making it their duty at the close of each regular term to report fully to the Governor, and also to the General Assembly at each regular session, upon any discrepancies or imperfections in the general statutes and code of procedure. These duties should be made imperative and compensation provided. This is not now the case, and as a consequence no report of Commissioners of Legal Inquiry has ever been submitted. The trust is one of such delicacy and responsibility, that it would be appropriate to confer it upon those who hold the highest judicial position in the State. In this way we will be gradually enabled to systematize and perfect our laws and code of practice, civil and criminal, at the same time that we raise the pay of the Supreme Bench by constitutional means to something near a proper compensatory standard.

RAIL-ROADS.

The successful development of the vast resources of this State, and its consequent prosperity and wealth, are largely dependent upon the facilities offered by railway communication. To encourage and foster our railroad enterprises by every feasible means, is manifestly the part of wisdom. The financial disorders through which the country has passed have crippled the means and retarded the progress of these enterprises in Iowa. Largely dependent for aid upon foreign capital, which is proverbially timid in regard to mode of investment, the difficulties incident to the construction of railroads through this State will be readily appreciated. All the railroads leading from the Mississippi river, with but one exception, have made an extension of their lines since your last session. New lines running from Missouri northerly through this State are now projected, and at least one of them is already in process of construction. The importance of a railway connection with St. Louis by which the products of the Des Moines, Iowa and Cedar valleys will find a cheaper and readier exit to market, than eastern lines are able to afford, is being duly comprehended in enterprising and intelligent commercial circles. Experience has already sufficiently demonstrated the incapacity of existing lines of railroads for conveying our immense agricultural productions to the eastern markets. And it is also equally clear that, whatever may be the capacity of these eastern lines, their immoderate thirst for monopolizing the avenues of transportation, and their exorbitant charges for carrying stock and grain, render them formidable enemies to our agricultural prosperity. For this, the only permanent remedy is the establishment of competing lines. In this question the farmers of Iowa are deeply interested, and the time for prompt and decided measures upon their part has arrived. The projected railway connecting us directly with St. Louis, and by this means affording us the advantage of navigation to the Ocean at all seasons, in spite of low water in summer and ice in winter, must be admitted as a commercial and agricultural necessity. Such a road leading up the Cedar Valley, and to St. Paul, would also bring us in more direct and certain connection with the pine regions of the North, enabling our rapidly increasing demands for lumber to be more readily and cheaply supplied.

But it is not to the East alone that we should look for our future commercial relations. Iowa occupies a central position, a pivotal point, between the Atlantic and Pacific coasts. The mountains and the unproductive regions of the West must ultimately look to this State for a large portion of their agricultural supplies, while the Pacific States offer powerful inducements to our commercial enterprise. These vital considerations must not be disregarded.

Every rational calculation for the future urges the great importance of immediately seizing the opportunities now offered of

securing these natural and invaluable tributaries to our commerce. Is it not of the highest importance, therefore, that we take immediate steps to secure the extension of the Union Branch of the Pacific Railroad through this State? The General Government has already given aid to the construction of one branch of this road through Kansas, and it is certainly not too much to expect that Congress would be equally generous towards this State. This road must inevitably become one of the important military lines of the Government, as intelligent statesmen will not fail to perceive. But space will not permit me to discuss the importance of this enterprise at greater length. I, therefore, most earnestly recommend that you address a joint memorial to Congress asking the proper aid for extending this road from its terminus on the Missouri river to some practicable point on the Des Moines where it can be united with one of the lines running eastward from that point.

MILITARY.

Without extending this communication much beyond the proper limits, it will be quite impossible to present even a general outline of our military history. The faithful services rendered during the late war by the troops from this State and their admirable conduct upon all occasions have furnished themes for abler pens than mine. Their fidelity and heroism have been often and appropriately acknowledged by the distinguished generals under whom they have served. It was their fortune to have borne a conspicuous part in all the renowned campaigns of the Western division of the army, bravely participating in its bloodiest and most decisive engagements. When the history of this great conflict shall have been fully and impartially written, it will contain no brighter pages than those upon which the achievements of Iowa soldiers are recorded. A State which before the war was scarcely known except as a patch upon the map of the Republic, to-day has a name calculated to excite becoming emotions in every manly and patriotic breast. But the evidences of sorrow yet visible on every hand remind us that this good name has been earned at a fearful cost. Some of the brightest names which adorn the annals of the war are ours; and citizens of Iowa are numbered among the noblest of the fallen heroes.

Our average population during the war has not exceeded 700,000, and of this we have furnished *one-ninth* to the national armies. The aggregate of the quotas assigned to this State, under all calls for the war since the first regiment was organized, being reckoned at their equivalents in three years' men, amounts to 70,825, and the number claimed by us to have been furnished upon these quotas is 73,240. Not included in this statement are the First Regiment of Infantry, 962 men, furnished under the three months call of April,

1861, 12 two years' recruits, 3,689 one year recruits, and 3,857 one hundred days' men, which last were a volunteer offering by the State, and independent of all calls, making a total aggregate of 78,059 men. These figures are not strictly accurate, but are as nearly so as they can be made from the data at our command. On account of discrepancies between the credits given by the War Department and our own records, much difficulty was experienced in obtaining proper credits for all that we claimed, but the accounts were finally so far adjusted in January, 1865, pending the previous December call, that in consideration of our general promptness, and by special request, I procured a relinquishment of all further demands against the State under that and prior calls, although quite a number of the sub-districts were still delinquent.

By the Act of Congress passed in March, 1863, the enrollment of the national forces was made by sub-districts, consisting of townships and wards, and each sub-district thus designated was required to furnish the full amount of the quota assigned it, without reference to the county in which it was situated. The accounts of quotas and credits were kept, through the Provost Marshal's department, with sub-districts only, counties being disregarded. This was the method resorted to by the Government to compel each community to bear its own share of the common burden, in due proportion to its enrolled military strength. Many entertain the opinion that while the State was apparently in advance of all calls, a draft was ordered against it. This opinion is erroneous. But one draft was ever ordered for men in this State, and this was under the July call of 1864, and in the delinquent sub-districts only. This being in accordance with the express requirements of the law, it was unavoidable while any ward or township was delinquent.

In this connection I deem it proper to state that, notwithstanding the grave differences of political opinions entertained, my efforts to procure enlistments under the several requisitions were, with rare exceptions, cheerfully and cordially seconded by the leading men of all parties. There were, however, on the other hand, quite a number of inhabitants in different parts of the State, who, when the probabilities of compulsory enlistments became imminent, suddenly abandoned their homes and expatriated themselves. These persons should be known of all men, and held up to perpetual scorn. The citizen who, in the hour of his country's peril will flee beyond the reach of law to avoid the performance of military duty, is an unworthy subject of the government, and should be rendered forever incapable of enjoying the rights and privileges of citizenship.

During the last year of the war the regiments from this State being assigned to so many departments of the army, became dispersed over almost the entire theatre of military operations. This created the necessity of an increased amount of sanitary assistance,

and imposed additional labor and responsibility upon the Executive department. Every practicable effort was made to secure proper attention to the wants of our sick and wounded soldiers, and, if any were neglected, it was in most cases because of their remote and isolated situation, or the misconduct of U. S. Surgeons and other government officers entirely beyond our reach. Of the \$40,000 appropriated at the last session for extraordinary expenses of the Executive office and relief of sick and wounded soldiers, up to the close of the last fiscal term \$26,500 have been expended, of which \$3,500, were for claims unpaid under the preceding appropriation, leaving the sum of \$13,500, undrawn up to that date.

ARSENAL.

I desire to urge upon your attention the necessity of immediately erecting a building for the safe keeping of ordnance stores belonging to the State, and the preservation of our military records. The last General Assembly appropriated \$5,000 for the construction of an Arsenal at Des Moines, and directed the Adjutant-General to commence the building, provided the necessary grounds for that purpose could be procured without expense to the State. The advance in prices so far increased the value of labor and materials beyond the estimate upon which the appropriation was based, that the Adjutant-General deemed it advisable to defer the work for the farther consideration of the General Assembly.

We have now under our control about 18,000 stands of arms and several pieces of artillery, besides a large amount of ordnance stores, which can only be preserved from deterioration by having a suitable building in which to place them. In addition to this, the importance of a safe depository for the records of the Adjutant-General's office must not be overlooked. These records contain the original rolls and all the documents of various kinds pertaining to the enlistment, service and discharge of Iowa soldiers, the destruction of which would be an irretrievable loss to the State. We now have none but rented buildings for this purpose, costing about \$1,000 annually, and without any adequate security against fire. A fire-proof building of sufficient capacity for all these purposes could be erected at a moderate cost, and it should be done without unnecessary delay.

MILITIA.

Early in the summer of 1864, general orders were promulgated as contemplated by the law enacted at the last session, for the organization of the State militia. Hostile Indians on the plains and guerrilla bands in Missouri threatening our southern and north-western borders and the preparations of a treasonable order in the State to offer forcible resistance to the draft, necessitated the dis-

tribution of a large quantity of arms and ammunition to the militia. In many localities conspiracies were formed for securing the control of companies by excluding men of known loyalty, and having them commanded by persons chosen from the treasonable organization mentioned. I therefore appointed committees of prominent gentlemen in nearly all the counties to assist in the formation of companies that would be loyal and reliable; and I also directed that to such companies only were commissions and arms to be issued. Notwithstanding the opposition interposed to these precautionary measures, they were successful in preserving almost uninterruptedly the tranquillity of the State.

The only serious outrage was perpetrated in Poweshiek county, in October, 1864, by a company styling themselves "Democrat Rangers." Captain John L. Bashore and Josiah M. Woodruff were brutally murdered by members of this company, while engaged in the execution of orders from the Provost-Marshal of the Fourth District. The facts connected with this atrocious affair are fully set forth in the report of the Adjutant-General for 1865, to which your attention is respectfully invited.

Having thus presented you with such matters as I deem most important for legislative consideration, I cannot close this communication without congratulating you upon the activity everywhere displayed in recovering from all effects of the recent struggle for the preservation of the Union. Where in all history has any nation developed such wonderful energy and power? The foreigner who now visits our shores will hardly discover in the general thrift and quietude of the country the traces of that gigantic contest which so amazed the civilized world. With no intermission in the exercise of its sovereign authority, either on land or sea, except the brief usurpations of the insurrectionary States, or any material diminution in the vast measure of its foreign commerce, our country has continued to advance, in all the essential elements of national greatness, with a steadiness and rapidity unsurpassed even during the periods of profound tranquillity. Terrible and bloody, beyond all precedent, as the conflict was, it may not, under God's disposing Providence, have been unproductive of wholesome results. For, notwithstanding the unparalleled expenditure of life and treasure incurred in its prosecution, and the thousands of hearthstones made desolate, the sacrifices of the war have intensified the attachment of the American people to the government of their fathers, and secured the involuntary respect of other nations for the exalted qualities it has developed in our national character.

Although unable at this juncture to adequately comprehend the influence of this gigantic struggle upon the ultimate destiny of the Republic, yet we may clearly discern that our gratitude is eminently due to the Divine Ruler of Nations for graciously sustaining our Government through its perils, in guiding our armies to victory, in preserving the nationality of our people, and in His own

good time delivering our land from the horrors of continued war. Deriving wisdom from the instructive lessons of the past, let us calmly devote ourselves to the future, remembering that posterity has a claim upon our efforts, and that the great work of this generation remains to be completed.

WILLIAM M. STONE.

On motion of Mr. McNutt, the Governor's Message was laid upon the table and ordered to be printed.

Mr. Sapp introduced the following resolution :

Resolved, In accordance with the recommendation of the Governor of the State, that a committee of five on the part of the House, with such as the Senate may join, be appointed to investigate the alleged diversion of the swamp land indemnity funds, and that said committee have power to send for persons and papers.

The resolution was adopted, and Messrs. Hale, Barker, Clark, Russell, and Martin were appointed as such committee on the part of the House.

Mr. McNutt introduced the following resolution :

Resolved, That there shall be added to the usual standing committees of this House, a committee on the *compensation of public officers*, and the Speaker is hereby requested to announce such committee.

The resolution was adopted.

Mr. Wilson, of Dubnque, introduced the following resolution :

Resolved by the House of Representatives, the Senate concurring, That the two Houses will meet in joint convention for the purpose of canvassing the votes for Governor and Lieutenant-Governor, to-morrow at 10 o'clock, and that the inauguration of the Governor and Lieutenant-Governor shall take place on Thursday, at two o'clock, P. M.

The resolution was adopted.

Mr. Maxwell offered the following resolution :

Resolved, That 6,000 copies of the Governor's Message, be printed in English; 2,000 in German; 2,000 in Norwegian, and that \$25 is hereby appropriated for its translation into the Norwegian language.

Mr. Williams of Des Moines, moved to amend by adding \$25 as compensation for translating the Message into the German language. Adopted.

Mr. Van Leuven moved to amend by appropriating \$25 to pay the expense of translating the Message into the Holland language. Carried.

Mr. Finkbine moved that \$25 be appropriated to defray the expenses of translating the Message into the Bohemian language. Adopted.

Mr. Alcorn moved that \$25 be allowed for translating the Message into the Swedish language. Carried.

Mr. Clark moved to amend by adding that "1,000 copies be printed in the Holland language."

The amendment was adopted.

Mr. Gamble moved that 2,000 copies be printed in the Holland language.

This amendment was adopted.

Mr. Rohlfis moved to strike out "2,000" in German, and insert "2,500." Carried.

Mr. Thomson offered the following amendment which was adopted :

Provided, That each translation can be done at a cost not to exceed \$25.

Mr. Bereman moved that "6,000" be stricken out and "4,000" inserted.

The motion did not prevail.

Mr. Rogers moved that this resolution be laid upon the table, which motion was adopted.

Mr. Bennett introduced the following resolution.

Resolved, That the Chief Clerk be instructed to order for each member of this House, thirty (30) copies of daily papers, or their equivalent in weeklies; provided all said papers be published in this State.

Mr. Flanders moved that the Resolution be amended by inserting the word "loyal" before the word "newspapers."

Mr. Finkbine moved to add also the words and "that said papers shall be selected by themselves."

The amendment to the amendment was adopted.

The amendment was lost.

Mr. Sapp moved that the resolution be amended so as to allow members to select three papers published outside of the State.

The amendment prevailed.

Mr. Bereman moved to amend by striking out "30" and inserting "20." Lost.

Mr. Close moved to strike out "30" and insert "25." Lost.

The resolution as amended was then adopted.

The following message was received from the Senate.

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following concurrent resolution:

Resolved by the Senate, the House concurring, That the Senate and House will meet in joint convention for the purpose of canvassing the votes for Governor and Lieutenant-Governor on Wednesday, January 10th, at 10 o'clock A. M.; and that the inauguration of Governor and Lieutenant-Governor shall take place on Thursday, January 11th, at 2 o'clock P. M.

Also the following:

Resolved by the Senate, the House concurring, That S. W. McEl-derry be elected Postmaster and L. P. Baker assistant Postmaster,

of the Eleventh General Assembly, and that it be the duty of the assistant Postmaster to carry the mails.

In all of which the concurrence of the House is respectfully asked.

J. W. DIXON, Secretary of Senate.

The concurrent resolution of the Senate relative to the canvass of votes for and the inauguration of the Governor and Lieutenant-Governor elect was adopted.

The concurrent resolution of the Senate in relation to Postmaster and assistant Postmaster was also adopted.

Mr. Belt moved that the janitor be instructed to remove the bust of Abraham Lincoln from the Speaker's desk, and to cause the same to be placed upon a bracket at the right of the Speaker. The motion prevailed.

On motion of Mr. Maxwell, the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, January 10th, 1866. }

House met 10 o'clock. Speaker in the chair. Prayer by Rev. Mr. Vernon.

On motion of Mr. Finkbine, the reading of the journal of yesterday was postponed.

On motion of Mr. McNutt, Mr. Holden was appointed teller on the part of the House for the purpose of canvassing the votes for Governor and Lieutenant Governor.

Mr. Flanders offered the following resolution which was adopted :

Resolved, That the Clerk, in making out the list of members as by resolution of yesterday, be instructed to add a column showing the number of the regiment, and branch of service in which those members of the House who have been in the United States army served.

On motion, the following named gentlemen were excused for the purpose of attending the session of the Agricultural Board : Messrs. Close, Comfort, Fry, Gaylord, Garber, Griffith, Holmes, Runyan, Russell, West.

Mr. Rogers moved the appointment of a committee of two to wait upon the Senate, and inform that body that the House was ready to receive it in Joint Convention for the purpose of canvassing the votes for Governor, and Lieut. Governor. The motion prevailed, and the Speaker appointed Mr. Holden, and Mr. Fellows.

On motion of Mr. Holden, the House took a recess of 5 minutes; at the expiration of which time, the House was called to or-

der by the Speaker, and the Sergeant-at-Arms announced the Senate, who entered the Hall and took the Seats assigned them.

JOINT CONVENTION.

The President of the Senate announced that the convention had met to canvass the vote for Governor and Lieut. Governor, of the State of Iowa, and declare the result, and the Hon. J. G. Patterson had been appointed teller on the part of the Senate; and Hon. H. M. Holden, teller on the part of the House.

The Speaker proceeded to announce the votes of the several counties in the State.

Pending the counting of votes, Senator Stubbs moved an adjournment until 2 o'clock, P. M. The motion prevailed, and the Joint Convention adjourned.

2 O'CLOCK, P. M.

Joint Convention met pursuant to adjournment in the Hall of the House, when the canvass was concluded with the following result :

FOR GOVERNOR.

Whole number of votes cast.....	124,869
Of which Wm. M. Stone received.....	70,445
Thos. H. Benton received.....	54,070
G. S. Bailey received.....	239
Scattering.....	115

LIEUTENANT-GOVERNOR.

Whole number of votes cast.....	125,588
Of which Benjamin F. Gue received.....	72,834
W. W. Hamilton received.....	52,308
L. W. Babbit received.....	316
Scattering	130

Whereupon the President announced Wm. M. Stone duly elected Governor of the State of Iowa, for the term of two years from the 2nd Monday in January, 1866, and B. F. Gue duly elected Lieutenant-Governor of the State of Iowa, for the term of two years from the 2nd Monday of January, 1866; they having received a majority of all the votes cast at the election in October last, and certificates of their election were read and signed as follows :

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, January 10th, 1866. }

This will certify that upon a canvass in Joint Convention of the two Houses of the General Assembly of the State of Iowa, of the votes cast at the October Election, A. D. 1865, for the office of Governor of the State of Iowa, it appeared that Wm. M. Stone received a majority of all the votes cast at said election for said office, and was therefore declared duly elected to said office for the term of two years and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 10th day of January, 1866.

E. W. EASTMAN,
Lient. Gov. and President of Convention.

ED WRIGHT,
Speaker of House of Representatives.

Attest: J. G. PATTERSON, Teller for the Senate.

HOWARD M. HOLDEN, Teller for House of Reps.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, January 10th, 1866. }

This is to certify that upon a canvass in Joint Convention of the two Houses of the General Assembly of the State of Iowa, of the votes cast at the October Election, A. D. 1865, for the office of Lieutenant Governor of the State of Iowa, it appeared that Benjamin F. Gue received a majority of all the votes cast at said election for said office, and was therefore declared duly elected to said office for the term of two years, and until his successor is elected and qualified.

Signed in presence of the Joint Convention, this 10th day of January, 1866.

E. W. EASTMAN,
Lient. Gov. and President of Convention.

ED WRIGHT,
Speaker of House of Representatives.

Attest: J. G. PATTERSON, Teller for the Senate.

HOWARD M. HOLDEN, Teller for House of Reps.

Senator Stubbs moved that a committee of two be appointed to wait upon the Governor and Lieutenant Governor elect, and inform them of their election. The motion prevailed and the President appointed Senator Stubbs on the part of the Senate, and the Speaker of the House appointed Mr. O'Brien, of Dubuque.

Mr. Thomson, of the House, moved that the convention rise. The motion prevailed and the convention was dissolved.

On motion of Mr. Bennett the House took a recess of 5 minutes.
House called to order.

The following message was received from the Senate by the Secretary, J. W. Dixon:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following concurrent resolution, in which the concurrence of the House is respectfully asked:

Resolved by the Senate, the House concurring, That so much of the Governor's message as relates to the Swamp Land Indemnity Warrants forwarded to the Executive office and improperly and illegally applied by parties through whose hands the same have passed, be referred to a select committee of two on the part of the Senate, and three on the part of the House, and that said committee have power to send for persons and papers, and that they report the facts to the General Assembly.

J. W. DIXON, Secretary Senate.

Mr. Rogers offered the following resolution:

Resolved, That there be printed of the Governor's biennial message,

- copies in the English language.
- copies in the German language.
- copies in the Norwegian language.
- copies in the Holland language.

Provided, That the cost for printing each translation shall not exceed \$——.

Mr. Holden moved to fill the first blank with 4,000. Lost.

Mr. Clark proposed 6,000.

Mr. Williams proposed 7,000.

Mr. Bereman proposed 1,000.

Mr. Wilcox proposed 3,000, which prevailed, and the blank was so filled.

Mr. Knox moved to fill the second blank with 5,000.

Mr. Landes proposed 1,000.

Mr. Thacher proposed 1,500.

Mr. Maxwell proposed 2,000, which prevailed, and the blank was so filled.

Mr. Williams, of Winneshiek, moved to fill the third blank with 2,000.

Mr. Knapp proposed 500.

Mr. Emery proposed 1,000, which was adopted, and the blank was so filled.

Mr. Van Leuven moved to fill the fourth blank with 2,500.

Mr. Gamble proposed 2,000.

Mr. Hand proposed 1,000, which prevailed, and the blank was so filled.

Mr. Gamble moved to fill the last blank with \$30.00.

Mr. Emery proposed \$20.00.

Mr. Maxwell proposed \$25.00, which was adopted, and the blank was so filled.

Mr. Finkbine moved to amend the resolution by inserting after

the words "each translation," the words "that but one charge shall be made by the State Printer for composition of all copies of the Governor's Message ordered by the House and Senate." The amendment was adopted.

Mr. Finkbine moved to further amend by providing for the printing of 1,000 copies in the Bohemian language. Carried.

Mr. Martin moved to amend by providing for the printing of 500 copies in the Swedish language. Carried.

The question recurring upon the adoption of the resolution, it was adopted.

Mr. Walden offered the following concurrent resolution, and moved its adoption:

Resolved by the House of Representatives, the Senate concurring, That a joint convention of the General Assembly of Iowa be held on Saturday, the 13th day of January, 1866, at 11 o'clock A. M., for the purpose of electing a United States Senator.

1. For the full term of six years, beginning March 4, 1867.

2. To elect a United States Senator to fill the vacancy occasioned by the resignation of Hon. James Harlan.

The resolution was adopted.

Mr. Sherman, from the committee to whom was referred the question of postage, submitted the following report:

Your committee appointed to confer with the Post-Master of this city, and make some arrangements in relation to the stamping of letters, papers, and documents of the members of House, beg leave to report that they have performed that duty, and would recommend the following, which meets with the approbation of Mr. J. Teesdale, the Post-Master:

In order to facilitate the stamping of mail matter of the members of the House, as well as to avoid unnecessary expenditure for postage, Mr. Teesdale is willing to furnish, at his own expense, a clerk, who will take his place in the Capitol post-office, and stamp all matter placed in the same by members of the House.

WM. HALE,

HOYT SHERMAN.

Mr. Maxwell offered the following resolution, as a substitute for the report:

Resolved, That the Secretary of State be directed to furnish to each member of the House five dollars in postage stamps per week.

The amendment was adopted.

The report, as amended, was adopted.

Mr. Finkbine submitted the following resolution, and moved its adoption:

Resolved, That the Chief Clerk be hereby instructed to furnish each member and officer of this House with a good knife.

Mr. Sherman moved to amend by inserting after the word "knife," "at a cost not exceeding \$2.00." The amendment was adopted.

Mr. Tisdale moved to lay the resolution on the table. The motion did not prevail.

Mr. Tisdale moved to amend by adding, after the word "knife," the words, "and a good shaving kit, comprising razor, soap, lather-box, and brush." The amendment was lost.

Mr. Maxwell moved to amend by inserting after the word "knife," the words, "and sheep-shears." The amendment was lost.

On the passage of the resolution, as amended, the yeas and nays were demanded and ordered, and were as follows :

The yeas were Messrs. Ballinger, Barnes, Baker, Bahl, Belt, Bolter, Brown of Madison, Brown of Winneshiek, Buck, Carbee, Clark, Crawford, Finkbine, Fry, Gamble, Goodrich, Graves, Griffith, Holmes, Knox, Martin, McPherson, McKean, Mills, O'Brien, Runyan, Russell, Sipple, Thorne, Van Leuven, Williams of Des Moines, Wilson of Marshall—33.

The nays were, Messrs. Abernethy, Abbott, Alcorn, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Burnett, Darwin, Dashiell, Dudley, Dwelle, Emery, Fellows, Flanders, Gaylord, Gary, Garrett, Glasgow, Godfrey, Hand, Holden, Huggins, Joy, Knapp, Landes, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, Morgan, Olmstead, Poindexter, Rogers, Rohlf, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thatcher, Travis, Tisdale, Thomson, Walden, Wilcox, Wilson of Jackson, Williams of Winneshiek, and Mr. Speaker—54.

Absent or not voting, Messrs. Close, Comfort, Conway, De Forest, Gamble, Hale, Leffingwell, Palmer, Stockman, West, Wilson of Dubuque—11.

The resolution was lost.

Mr. Brown of Winneshiek, offered the following resolution which was adopted :

Resolved, That the Secretary of State be authorized to furnish a suitable chair for the Speaker of the House.

Mr. Maxwell moved that when the House adjourn it be until to-morrow afternoon at 2 o'clock. The motion prevailed.

By leave, Mr. Russell introduced H. F. No. 1, "A bill for an act providing for the ratification of the Constitutional amendment forever abolishing slavery." The bill was read a 1st and 2d time and made the special order for Friday at 10 a. m.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has concurred in the resolution of the House relating to the appointment of a Joint Committee to investigate the alleged diversion of the Swamp Land Indemnity Fund, with an amendment that said Committee on the part of the Senate consist of three Senators.

In which amendment the concurrence of the House is asked.

I am further directed to inform your honorable body that Senators Stiles, Richards and Udell have been appointed such Committee on the part of the Senate.

J. W. DIXON, Secretary.

The concurrent resolution from the Senate relative to the appointment of a joint committee of investigation into the alleged diversion of the Swamp Land Indemnity Fund, was taken up, and on motion of Mr. Finkbine, the Committee was authorized to employ a clerk.

Mr. Brown, of Van Buren, offered the following resolution and moved its adoption :

Resolved by the House of Representatives. That the Chief clerk and his assistants; the engrossing Clerk and his assistants; Sergeant-at-Arms and Doorkeeper be each of them allowed six daily papers, or their equivalent in weeklies, and \$2 per week for postage. The resolution was adopted.

By leave Mr. Dasheill, introduced House File No. 2, a bill for an Act disfranchising certain persons who evaded military service. Read a 1st and 2d time, and referred to the committee on Constitutional amendments.

Mr. Gamble moved that the House do now adjourn.

The motion prevailed and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, MONDAY, JANUARY 11, 1866. }

2 O'CLOCK, P. M.

House met pursuant to adjournment. Speaker in the chair. Prayer by Rev. J. M. Phillips.

On motion of Mr. McNutt, the reading of the journal was dispensed with.

On motion of Mr. Williams of Des Moines, a committee of two was appointed to wait upon the Senate, and inform that body that the House was ready to receive it in Joint Convention for the purpose of inaugurating the Governor and Lieutenant Governor elect.

Messrs. Williams of Des Moines, and Bolter, were appointed as such committee.

On motion of Mr. Dudley, the clergy, both resident and strangers, were invited to seats on the floor of the House. The Speaker appointed Mr. Dudley a committee to tender said invitation.

On motion of Mr. Maxwell the members of the State Agricultural Society, and Board of Trustees of Agricultural College were

invited to seats on the floor, and Mr. Maxwell was appointed a committee to tender said invitation.

The Committee appointed to inform the Senate, reported that they had performed their duty and were discharged.

The Sergeant-at-Arms announced the Honorable Senate, who entered the Hall preceded by their President and Secretary, and took the seats assigned them.

JOINT CONVENTION.

Lieutenant Governor Eastman in the chair.

On motion of Senator Henderson, a committee of one on the part of the Senate, and one on the part of the House was appointed to wait upon the Governor and Lieutenant Governor elect, and inform them that the General Assembly was ready to receive them.

Mr. Henderson on the part of the Senate, and Mr. O'Brien on the part of the House were appointed as such committee.

On motion of Mr. Holden, the Judges of the Supreme Court were invited to seats on the stand.

Mr. Holden was appointed a Committee to tender the invitation.

On motion of Mr. Poindexter, the State officers were invited to take seats upon the stand.

Mr. Poindexter was appointed a committee to tender said invitation.

The several committees on invitation reported and were discharged.

Mr. McNutt moved that the officers of the army and navy now in this city, be invited to take seats on the floor. The motion prevailed, and Mr. McNutt was appointed a committee to tender the invitation.

Mr. McNutt, accompanied by the officers of the army and navy, present in the city, reported from the committee of invitation, and the committee was discharged.

The committee reported, and the Governor and Lieutenant Governor elect entered the Hall, followed by the Judges of the Supreme Court and the State officers, and the inauguration ceremonies were completed in the following order:

1. Music by the band. (Hail Columbia.)
2. Prayer by Rev. J. M. Phillips.
3. Administration of the oath of office to the Governor and Lieutenant Governor elect by Hon. Enoch W. Eastman, Lieutenant Governor, and President of the Senate.
4. Singing of the Star Spangled Banner by G. P. Abel.
5. The Governor delivered the following Inaugural Address :

EXECUTIVE OFFICE, }
DES MOINES, January 11th, 1866. }

Gentlemen of the Senate and House of Representatives :—

Chosen by the partiality of my fellow-citizens to discharge the duties of the Executive office for a second term, I have appeared before you to solemnly renew the obligations prescribed by the Constitution of our State, and to repeat the assurances of my earnest devotion to the public welfare.

With a sense of profound obligation to the Almighty Ruler of the Universe, for the altered condition of the country since my first inauguration, and the dawn of a more tranquil era in the national history to cheer me, I enter upon the present term with the flattering hope that the State will continue to prosper, our people realizing an adequate measure of success in developing the resources which nature has so bountifully placed at their disposal.

Grateful to Him who in mercy has guided and sustained us, I congratulate you that during the vicissitudes of a War which shook the foundations of the Republic, the people of Iowa have continued to advance in all the essential elements of enduring wealth. With extended borders exposed to the incursions of watchful enemies, the property and lives of our citizens have, nevertheless, been adequately protected. Notwithstanding that eighty thousand of our active and vigorous population were furnished to the national armies, yet by the aid of machinery substituted for the manual labor thus withdrawn, the annual yields of agricultural productions have steadily and rapidly increased. While our granaries have been abundantly supplied at home, the avenues of commerce have teemed with our surplus grain and stock contributed to the markets of other States; and the census returns exhibit from year to year a constant and astonishing augmentation in the avails of every other department of material industry. The increase of useful inventions indicates that the labors of the mechanic and artisan have been duly rewarded. The progress of internal improvements, and especially of our railroad enterprises; the growth of towns and cities; the complete recovery of all classes from pecuniary embarrassments; our present sound financial condition, and the widely disseminated facilities for intellectual development, afford the general outlines of a picture which older and more favored States may strive in vain to rival.

What Iowa is, she owes only to herself—to the industry, to the enterprise, the moral character and patriotism of her people, while her healthful climate and her soil of unexcelled fertility, her rich deposits of mineral wealth, the inland water courses, and the navigable rivers which wash her boundaries; her central position between the two great Oceans, and the iron links uniting her inseparably with the commercial arteries of the continent, utter predic-

tions of her coming greatness more emphatic than either pen or tongue can make.

But inasmuch as the biennial message has presented in detail the condition of the State, and its exigencies in the various departments, I may be pardoned if, in suggesting additional topics for your consideration, I now turn to the more extended theatre of National affairs.

Thoroughly imbued with the principles of liberty and equality, proclaimed by our fathers at the origin of the Republic, and alive to the importance of transmitting to posterity the Government which they established, the people of Iowa, in the recent struggle, contributed liberally of their blood and treasure for the preservation of the Union. Loyalty to the Constitution, and adherence to the Federal Union were the cardinal ideas of our people, and the exalted motives which unswervingly attached them to the National cause. If the spirit of treason or sympathy with rebellion existed among us, it was only in a modified form, emphatically stifled by the aggregated patriotism and preponderating influence of the loyal masses. As a member of the Federal Union, possessing a joint interest in the national heritage, Iowa had a destiny inseparably connected with that of the loyal and adhering States. Our radical and undeviating opposition to the bold and persistent demands of the slave power, prepared us to meet the issues which were finally submitted to the terrible arbitrament of war.

Fully realizing the magnitude of the questions at stake, and perceiving no adequate equivalent for an undivided Union, our citizens in obedience to the national call promptly abandoned their peaceful avocations, and became soldiers bravely rallying in defense of the common emblem. Their devotion to Liberty and the Union has been nobly vindicated by their blood. Their intelligent submission to discipline, their endurance and valor conspicuously displayed in marches, sieges and battles, are the subjects of imperishable history, and need not be recounted here. As they bore the flag of Iowa victoriously on the tide of War, the rattle of their musketry was heard upon every field of conflict made historic by the valor of the West, and the thunder of their cannon amidst the carnage of battle, announced the progress of our advancing columns.

In this connection, the occasion seems not unsuitable for a brief allusion to affairs resulting from the termination of the war. Conscious of no desire to excite unfounded distrust in the minds of others, regarding the prospects of an early return of the insurgent States upon a loyal and satisfactory basis, I nevertheless cannot disguise my own apprehensions of ultimate danger from existing adverse elements, unless the loyal States shall remain firm in their purpose to vindicate the majesty of the Government in dictating the terms of restoration. The statesmen to whose wisdom the destiny of this great nation is now entrusted, will be held responsible for a faithful performance of their work. Coming generations

of our people will, in the light of history, carefully review the events of these times, and with a considerate judgment they will admire our fidelity or condemn our recreancy.

Let us not be deceived by the flattering assurance indulged by many, that the conflict is over. To suppose that this embittered contest between right and wrong, of adherence to the fundamental principles of the government, and the intensified spirit of treason nursed for half a century terminated when the rebel armies were overthrown, is to forget all the teachings of history, and disregard the instructive lessons of our own experience. Every indication of the times affords accumulating evidence that the great problem of our National Future remains to be solved. But I am not without hope. The substantial progress with which, under manifold difficulties, the work of restoration has been attended in so brief a period may be construed as a favorable indication of the future; and although short of the anticipated measure of success, it yet affords encouraging evidence, that among the well disposed inhabitants of the South, the bitterness engendered by rebellion is rapidly giving way to a common purpose of conciliation. For this, all parties should be grateful. And the insurgent States, especially, will not fail to perceive their obligations to that magnanimous policy, which, in spite of opposing influences secured for their efforts the friendly co-operation of national authority.

This policy, known as the President's plan of reconstruction, has been characterized by the development of extraordinary constitutional power on the part of the Federal Executive, and this power having been exercised with so great a degree of general approbation, amounts to a practical interpretation of the Constitution absolutely conclusive upon all parties, and unavoidable as a precedent for the future. The successful exercise of this inherent power demonstrates that the Constitution contains, when rightly interpreted, ample resources for its own preservation.

Upon what grounds can this conduct of the President be justified? The effort to consider a State, for political purposes, separate and distinct from the people who compose it is a manifest absurdity. A State is a body politic, or civil community, united together for the purposes of government, and their government is the accredited legal organ through which they act, and by which they are known as a municipal organization. South Carolina may have land and defined territorial boundaries, but it can have no government without inhabitants, and without a government, although having inhabitants, it would not be known or recognized as a State. The people of that and every other State in the Federal Union, are nothing more or less than a municipal body, exercising the powers and franchises of a government under the authority of the United States, and in subordination to the paramount sovereignty of the Constitution, which is the supreme law of the land. This subordination of States and supremacy of the

Constitution are our sheet anchor and bond of perpetual union. Any theory adverse to this would result in the inevitable destruction of our nationality.

While in a territorial condition, though having inhabitants, and the same boundaries she now possesses, and though within the jurisdiction of the Federal Government, Alabama was in no Constitutional sense a State in the Union, and she became such only through the act of admission adopted by Congress in pursuance of the provision authorizing new States to be admitted. By this act of admission, or ordinance, accepted by the people of Alabama, the United States became bound, among other things to secure to them a republican form of government, to protect them against invasions and domestic violence, while on the other hand, the State so created, acknowledged the sovereignty of the Constitution and the supremacy of the General Government within the scope of its granted powers. From these mutual obligations, perpetually binding as Constitutional covenants, neither party can legally recede. The original States became members of the Union by ratifying and accepting the Constitution which placed them upon a like footing with those subsequently admitted, and created between them and the government precisely the same reciprocal obligations.

Reasoning from these obvious premises it follows that the attempted expatriation of the Southern States, and their efforts to maintain it by war, virtually dissolved, for the time being, their political relations with the Federal Government, inasmuch as these unauthorized acts violated their constitutional obligations, and, on their part, the conditions upon which they were created and admitted as members of the Union. The treason of a few individuals, or a mere local insurrection would not have produced this result. But when the people *en masse* renounced their constitutional rights and deliberately transferred their allegiance to a hostile sovereignty, taking the entire power of the State with them, and levying war to maintain their new relations, it became treason on their part, involving by the established rules of national conduct, the destructibility of their political organizations. For it is manifest that, if these States had accomplished their treasonable designs, their political separation would have been complete, although their territorial boundaries might have remained as before. But, being overcome by the superior power of the Union, they were forcibly retained within its jurisdiction in the attitude of a conquered people. Having with treasonable intent violated the solemn covenants by which they were originally organized as States, and having forfeited their rights under them they are now in no condition to claim the benefits of these covenants, which can only be renewed by the disposition of the Federal Government, as the innocent and injured party, in the exercise of its sovereign power.

Having thus ascertained the true condition of these States, under the Constitution, the question as to whether they have been

out of the Union becomes a mere abstraction. In legal contemplation they certainly were not; for all their acts in that direction, being in conflict with the Constitution, became null and void; yet it is nevertheless equally clear, as a matter of fact, that for a period of four years the authority of the Union was forcibly excluded from these States, and that, during that period, they were out of their constitutional orbits. Had this condition been maintained, and their separation permanently established, then the proposition that they were out of the Union would scarcely have been disputed; and may we not therefore with equal propriety now admit that, for all practical purposes, these States were not in the Union while this abnormal condition existed.

To hold, as many do, that the functions of these States were merely suspended, not destroyed by rebellion, would result in the logical conclusion that their former condition revived when the cause of that suspension was removed; and, if they have not been destroyed, by what right do we now intervene in their affairs, and require their governments to be reformed before allowing them to resume their civil and political relations with the Union? From what source does the President derive rightful authority to appoint Governors for these States, conferring power to elect delegates and organize constitutional conventions, prescribing the qualifications of electors, and, by compulsory directions, require them to adopt certain measures and reject others. He could do none of these things for Pennsylvania or Iowa, and he does them for the insurgent States only as the authorized agent of constitutional sovereignty, and because their civil vitality has been destroyed, and they have ceased to exist except as geographical boundaries within the Union, containing inhabitants deprived of organized governments.

Upon this broad and conclusive theory the work of restoration has so far progressed. It was the landmark which guided Abraham Lincoln in his labors, wherein he was endorsed by the overwhelming verdict of the American people. It is the grand and abiding principle in accordance with which the struggle was maintained by us, and the Union saved. And I hesitate not in saying, that to abandon it now would be an insult to the memory of the martyrs who have fallen in its defense, and a dishonorable surrender to the enemies we have conquered.

If the view we have taken be not correct, then the President has committed a flagrant violation of the constitution by arbitrarily invading the sovereignty of these States, in the absence of war and consequently military necessity, for which he should not only be arraigned before the tribunal of public opinion, but deserves the penalty of impeachment.

At a juncture so fraught with danger to the land, honest convictions may be fitly uttered. The boldest advocate of strict construction will scarcely deny the rightfulness of the power claimed

and employed by the President, yet in the existing posture of affairs these obvious reasons for its exercise are far more important to the country in the adjustment of the grave questions before us than the mere fact that the power itself has been asserted. And by keeping these reasons steadily in view we shall not only be furnished with a safe guide for our own conduct, but avoid casting any obstacles in the way of Congress whose duties, in solving the problem of reconstruction, are more responsible and delicate than those which devolve upon any other department of the government.

Though firmly entertaining these views, I would not be understood as doubting the exalted patriotism or integrity of the President. While I could have desired him to go farther than he has, I cannot withhold my cordial approval of the acts already done in the exercise of these constitutional powers, and would counsel my fellow-citizens to sustain him while performing his duties within the limits thus defined, with their generous confidence and cheerful support. He makes no immodest claim to perfection in his own theory, and, while we may differ from him on minor points, his courage and devotion, so amply tested, may be taken as a guaranty that he will not differ from us in the great object of saving and perpetuating the noble fabric of our American Union.

Starting from the substantial point of observation we have chosen, let us ascertain how far the Ship of State has progressed in its proper course. After all this magnanimity and display of extraordinary power, what concessions has the Government obtained from the leaders of the rebellion that were not the immediate and logical results of successful war? By the overthrow of the rebel armies treason in its overt form was abated, but if we have gained any practical advantage beyond that, except by compulsory measures, a patient and discriminating people have failed to perceive it. Amid the smoke of battle and the tramp of contending legions, Abraham Lincoln issued the emancipation edict not as the concession of a political right to four millions of bondmen, but in the exercise of his war powers and as a measure of military necessity to weaken the enemy and strengthen the national armies. Had its immortal author in the grim shadows of war, failed to seize the inspiration which conceived it, where are the statesmen and what their number, whose boldness gives assurance that they would have demanded emancipation at the close of the conflict as a measure of reconstruction? It may be noted as a significant fact that not a Southern State, either rebel or adhering, took any steps in this direction until after the proclamation was endorsed by the loyal party of the North, and had become the rallying cry of our conquering armies, while every one of them from the border to the Gulf denounced it as a usurpation of power, and an invasion of Southern rights. The Constitutional Amendment secured from unwilling States, in part by the bold requirements of the President, is the legitimate offspring of emancipation, while emancipa-

tion itself was but the result of military necessity. It was not statesmanship or diplomacy, therefore, but the patriot blood so nobly shed at Gettysburg and Spottsylvania, at Vicksburg and in the mountains of Georgia, that secured freedom to the slave.

But let us consider the question from a nearer stand-point. In the recent conventions assembled under executive sanction for the re-organization of their late governments, the overthrow of slavery was conceded as a fact entirely beyond their power to control, but we have looked in vain for indications that they accept emancipation as a measure of justice, or regard it as a progressive idea of the age. The expressed determination of President Johnson to follow in the footsteps of his predecessor, and adhere to the Proclamation of Emancipation, as a basis of reconstruction, the probable ratification of the pending amendment to the Federal Constitution, and the Act of Congress, declaring the families of negro soldiers free, rendered absolutely futile all attempts to rehabilitate the doomed institution of American Slavery.

The early restoration of the Union upon an enduring loyal basis, is the obvious work of the hour, and its bearing upon the political and material interests of the country should not be lightly estimated. To this end, and with kindness toward all but the guilty authors of our national calamities, the energies of all good men should be earnestly directed. But in contemplating the task before us, a prudent statesmanship demands that we consider by what means it can be most successfully accomplished. I will not assume that treason would not have existed without slavery, but it may be asserted that if there had been no slavery, there would, in this age, have been no rebellion. For without an idea, or a motive, civil war for the disruption of the government could not have prevailed. Slavery, in its eagerness for perpetuity, furnished both, and thereby traitors were afforded a pretext for war. It will be perceived, therefore, that, by the total eradication of this mischievous element, we shall have abated the most exciting if not the only source of national peril. We cannot rest secure with the mere destruction of its acknowledged legal form; we must adhere to the edicts of freedom within every State, in the strictness of their letter and the fullness of their spirit. Universal Freedom and Political Equality must be defined as the cardinal principles upon which this Government shall hereafter exist. Let us have the courage to maintain that, inasmuch as these four millions of bondmen became free by the immutable fiat of the American people, so they shall be endowed with all the means necessary to practically defend that freedom against all who, under any form, pretext or subterfuge whatever, may attempt to abridge it. Place the Red Sea for all time between them and their oppressors. Let the whip and the hand-cuff remain forever broken on the field where the slave and his master fought. Animated by the spirit of justice, let us be vigilant in our efforts to correct the wrongs of the past. Record

in bold letters upon the history of these times, as the deliberate judgment of this generation that "before the law" the loyal black man, the dusky defender of the flag, is at least the equal and peer of the pardoned traitor.

Add to the vicious theory of State Sovereignty, still boldly maintained by many, and renounced by none, the defiance of Federal authority, exhibited at their late elections, in rejecting from office all citizens of tried Union sentiments, the re-election of men to executive positions who had attained the most offensive notoriety in the rebel armies, the return of representatives to Congress who, on account of their treason, dare not take the oath prescribed by law, the bold avowal of purposes inimical to the future financial policy of the Government, and all this, too, while begging for pardon at the feet of the President, and we have an array of testimony which completely demonstrates the impolicy of their immediate restoration to political power in the nation.

To expect a permanent or satisfactory adjustment of the Union, with States still adhering to these pernicious ideas, would, in my judgment, be the "suicide of hope." And to shield the country from the inevitable calamities of an inconsiderate or hasty restoration, let us keep these yet refractory States in political quarantine until their inhabitants, by due repentance and heathful reflection, shall have abandoned their offensive theories, and the epidemic of treason shall have permanently abated.

How we shall deal with the authors of the late rebellion, is also a question which profoundly interests the loyal masses of our country who so patiently endured the burdens and perils of the war, and whose yet mourning circles and desolate hearthstones too plainly tell of its calamities. "It is manifest that treason," says the President in his late Message, "most flagrant in character has been committed. Persons who are charged with its commission should have fair and impartial trials in the highest civil tribunals of the country, in order that the Constitution and the laws may be fully vindicated; the truth clearly established and affirmed, that traitors should be punished, and the offense made infamous."

In this sentiment I fully concur. To excuse these men from merited punishment upon the plea that the atrocious crime of treason has been merged in the grander drama of revolution, is to render crime respectable in proportion to its enormity and magnitude. If four deluded wretches, acting upon the vicious principles imbibed from the leaders of the rebellion, can be hung for taking the life of our chief magistrate, why cannot the hempen noose be as deservedly sprung around the necks of these guilty men of higher pretensions, who deliberately sacrificed a million of precious lives upon the altar of their mad ambition? If an ignorant foreigner, a mere subordinate of Jefferson Davis, can be condemned and executed for the barbarisms of Andersonville, should this arch-conspirator, now hospitably quartered by the shores of the Ches-

peake, and by whose fiendish connivance fifty thousand Northern soldiers were slaughtered in Southern prison pens, be allowed to escape the just demands of our violated laws?

The success which the American people have attained since the rebellion began, in the adoption of an enlightened and humane policy towards the African race, so long oppressed, may be regarded as a moral triumph highly creditable to our national character. The abolition of slavery, in spite of all efforts to avoid or postpone it, finally became, in the candid judgment of our intelligent statesmen, a measure of absolute necessity to the preservation of the Union. By this act, the validity of which all parties are now disposed to concede, responsibilities have devolved upon the Government as novel as they are imperative.

The magnanimous conduct of this immense population of bondmen, has contradicted the observation and experience of other Nations, and must excite in their behalf the admiration of posterity. Under no perceivable obligation to assist in the maintenance of a government from which they have never received either justice or mercy, and whose arm for generations had only sustained their oppressors, they nevertheless became, both in spirit and conduct, not merely the truest friends of the Union in the South, but the only friends from whose co-operation the National cause derived material aid in the entire region of the rebel States. Nor was their alliance to our cause by any means an inconsiderable accession to the disposable power of the Union. In various ways their physical efforts, always cheerfully rendered, and their knowledge of the country and its inhabitants, assisted in a large degree in overcoming the serious difficulties which so often interposed themselves to the advance of our armies through the insurgent States. While on many a field of conflict for the Union, their dusky battalions have displayed a steadiness, a devotion and courage excelled only by the tried veterans of the Northern armies.

Nor is this all. Pass by the outlines which present this war in its horrid form of carnage and blood, to those inner scenes which unfold the sublime spectacle of these black agents of mercy hovering upon the verge of battle-fields within range of bursting shells, bearing food and water to nourish the bleeding soldiers of the Union. Invoke the grateful memory of the many thousands who have been rescued from the dead-lines of Andersonville and Libby, to find sympathy and protection in the rude cabin of the slave. Appeal to the fathers and mothers all over this broad land, whose sad hearts have been relieved by the return of sons long mourned as among the hapless victims of rebel cruelty!

By these numerous acts of valuable service, and their unwavering fidelity to the Union, these people have placed the Government in a position towards them which should engage the gravest consideration. The act of emancipation compelled them to occupy an essentially new and responsible relation to the country. While in

the condition of slavery, they neither claimed nor received any political recognition, and, beyond their amenability to the criminal code, the will of their masters was their only law. But, transformed from slaves to freemen, they have become invested with duties and rights which, in their very nature, necessarily create political relations between them and the Government.

Their emancipation was an emphatic assertion of Federal jurisdiction and authority over them, carrying with it, by unavoidable implication, the power to guaranty all the rights and incidents which result legitimately from it. Although, in form, a military measure, yet its validity did not terminate with the war. Independent of the Constitutional amendment, we insisted upon freedom in the Southern States as a condition of their return to the Union. This demand could not have been legally made anterior to the rebellion, but the power to do it now is clearly deducible from the position of the Government as the injured and prevailing party in the late war, exercising the right to require conditions of security from a vanquished belligerent. To maintain that we now lack the Constitutional authority to secure this freed people in the enjoyment of all the rights incident to their new condition, involves the inevitable conclusion that, on the part of the Federal Government, compulsory emancipation itself was a usurpation of power.

No large and distinct class of citizens in any community can long or successfully maintain their rights, deprived of the means to protect them against the gradual encroachments of power in the hands of others. While suffrage may not be regarded as an inherent right, yet, under a popular form of government, it becomes a political right, common to all classes from whom the duties of citizenship are required. This is the essential and manifest theory of our Republican System. We invite the foreigner to our shores, tendering him the inducement of a home and protection under the flag. At the end of five years, if he chooses to avail himself of the privilege, we confer upon him the full stature of an American citizen. No people of any recognized nationality on the globe are excluded from the benefits of our naturalization laws. And as a bounty for military services, a foreigner who has served one year in the army and received an honorable discharge, may become naturalized without any further qualification. All this accords with the sublime truth announced in the Declaration of Independence that, to secure certain inalienable rights, "Governments are instituted among men, deriving their just powers from the *consent* of the governed," and with that higher declaration that God "hath made of one blood all nations of men." And by what authority dare we declare that the loyal citizens of African descent, born upon our soil, shall, among "all men," be the solitary exception to this truth. He has worn our uniform, fought our battles, and proved true to the flag. We made him a freeman, an element of national power, and thereby a citizen, and as a citizen he obeys

the laws, owns property, pays taxes, and will, when called upon again, cheerfully defend the flag. Yet there are those among us who would deny him the common political right which, more than any other is enjoyed by all citizens under this Government. Can we satisfy ourselves that it would be expedient or wise to inflict so great a wrong upon an obedient and loyal subject? History affords no example of a government having prospered, while violating a fundamental principle of its constitution. This Government was not established for the benefit of any particular nationality or complexion of men, but was designed by its immortal founders as an asylum for all men who seek the shelter of its flag.

I speak now of a national necessity. Hereafter the political power of the late insurgent States must be exercised either by loyal citizens or traitors, or by both conjointly. Prejudice may dictate, but justice and sound policy will never sanction the disfranchisement of these four millions of tried people, whose loyal ballots, more formidable to treason than bayonets, would hereafter constitute them an army of occupation to the Government in the yet unquiet regions of the South.

Shall we adhere to this fundamental idea of political equality incorporated with our very existence, or must we surrender it in the hour of the nation's triumph, to the caprice of men who, by four years of desperate war, attempted to destroy the Constitution, thereby acknowledging that in spite of our greatness, the Government has ceased to contain in itself the means of its own preservation.

States in their individual capacity, must meet this vital issue by bold and decided action. Indications are not wanting that the people of this State, will pronounce upon it their calm and intelligent judgment. We have stricken from our statutes the infamous laws enacted in our early history, which denied the free negro, or the hunted fugitive the right to tread the free soil of Iowa. And it is a reflection no less gratifying, that the men through whose truculency to the slave power this black code was adopted, have long since been consigned to their political graves. Our present just laws reflect the liberal and humane sentiments of the people. We acknowledge that black men have some rights which are entitled to respect. They testify in our courts, they have the right of immigration and exit, they hold property, enjoy the benefits of our common school system, and are otherwise protected.

In the darkest hour of the late struggle for the Union, seven hundred of these black citizens stepped forward to fill the quota of Iowa under the President's call for troops. No class or people contributed so many soldiers in proportion to their numbers. The regiment thus formed, proud of the noble State whose name was borne upon their flag, served faithfully and fought bravely. Receiving the highest commendations for their good discipline and valor, they were honorably discharged at the close of the war, and

are now among us. Their history belongs to the State. Their flag, torn by the storms of battle, has been received from their hands and deposited among the cherished mementoes of the war. Many of them have families, own property, and have long been among our industrious and quiet inhabitants. Have we that degree of moral courage which will enable us to recognize the services of these black veterans, and do them justice? Anticipating your friendly consideration, they have forwarded a memorial to your honorable body, asking that you take the necessary steps to secure them the right of suffrage. Shall we assume the responsibility of denying this request, while the many thousands who sympathized with the rebellion, giving aid and comfort to the enemy, are allowed to vote and hold office under our laws?

Disclaiming any authority as the organ of others, and speaking only for myself, I declare it as my deliberate and solemn conviction that the prayer of this memorial should be heard and granted.

Political equality—the object sought to be attained—is a vital principle of the American Constitution as clearly exemplified by the contemporaneous acts of the men who framed it. For, in their day, freemen enjoyed the right of suffrage without regard to color; and if in any locality a distinction existed, it was a marked exception to the general rule. No danger was ever apprehended from this impartial dispensation of the elective privilege. With proper safeguards to the purity of the ballot box, I can perceive no danger in making loyalty to the Constitution and the Union the basis of suffrage, adding thereto the qualification of intelligence. But, whatever conditions may be deemed expedient, the gravest considerations of policy demand that we make them applicable to all classes, ignoring the tyrannical distinction based upon nationality or color.

Desiring no fundamental change in our political system, we seek only a practical acquiescence in those immutable principles which an enlightened patriotism, intensified by the ordeal of civil war, has indicated as the only true foundation of the American Union.

For these reasons, and because the end cannot otherwise be attained, I earnestly press upon your attention the expediency of proposing an amendment to the Constitution for striking out the word "white" from the article on suffrage, in order that, in due time, this much agitated question shall be submitted directly to the people for their ultimate and final decision.

Every vestige of this atrocious institution must be forever obliterated from the land. No relic or memento should be left to remind posterity that the stars of our national emblem ever shone upon such a monstrous crime.

We cannot ask others to adopt this stern principle of impartial justice, if we reject it in our own State. Before we assert that the freedmen of the South should be invested with equality of political rights, let us chasten ourselves, placate our own animosity, and thus

practically illustrate the sincerity of the convictions we profess to cherish.

The recent political canvass in this State was characterized by a thorough and comprehensive discussion of this subject by the opposing parties, and, while the result may not be fairly construed as a direct endorsement of free suffrage, it can nevertheless with entire accuracy be taken as a popular demand for the submission of the proposed amendment to the people.

Boldly assuming the van-guard in this great struggle for equal rights, and deliberately choosing our own path, whatever may be the action of surrounding States, our history is bond and security that we shall take no backward step. Among the first in the deadly breach for the Union, and with her tents still standing on the field, the courage and fidelity of Iowa are placed forever above suspicion. In all the great West her star is among the brightest, and her flag among the noblest.

I herewith transmit a copy of the joint resolutions adopted at the last session of Congress, proposing an amendment to the Constitution, forever abolishing slavery and involuntary servitude within the United States. These resolutions, having been ratified by the requisite number of States, have become a part of the federal constitution, forever, as it may be hoped, divorcing our land and people from this national sin. Let us trust in the infinite God that slavery, with its manifold crimes, has been consigned to the sleep which shall know no waking. An era of honor, of peace and unity, has dawned upon our land. As our fathers witnessed the birth of freedom amid the thunders of war, so it has been baptized at a holier fount in the blood of their children. The conflict of years was finally narrowed to the sublime struggle of an hour, and in that hour, after years of grief, was the triumph of the bondman—the consummation of perfect liberty. Hopeful of the future, and protected by law, the American slave may now tread the land of his nativity in all the conscious pride of a freeman, realizing the fullness of the sublime truth that “all men were created equal, and endowed by their Creator with the inalienable rights of life, liberty, and the pursuit of happiness.” No more shall he be driven by the master’s whip from the home of his childhood and the graves of his kindred, a hunted fugitive seeking the boon of liberty beneath the shining stars of the North.

“That starry flag no longer waves
In splendid mockery o’er a land of slaves.”

These resolutions having been adopted by Congress since the last General Assembly was in session, their ratification by this State has necessarily been delayed until now. To make this triumph of freedom more emphatic and glorious, let us hasten to place Iowa in the column of ratifying States. Though late at the altar, our offering will help to swell the funeral pyre of slavery.

These measures—Emancipation and Enfranchisement—radiant with the hopes of millions, and dictated alike by wisdom and justice, should together receive our cordial sanction. They are intimately related as concurrent rights, and we cannot consistently grant the one and withhold the other.

Fellow-citizens of the General Assembly, let me implore you to meet this great crisis like men and patriots, fearless in the discharge of duty. This offering of freedom should not be an empty thing—a mere formality. Lay aside your prejudice against the slave when you lift the iron from his neck, and make him a man. Our 80,000 bayonets have made a wall between you and the wrongs of slavery, while ten thousand Iowa graves scattered from the banks of the Des Moines to the Atlantic sea-board, are silent, yet eloquent advocates for those who have nobly earned the rights of manhood at the price of valor and blood.

As the unfading line of history stretches back from this age to the thunders of Sinai, to the sea and the wilderness through which Jehovah guided the deliverers of Israel, so may it not reach forward to that golden era when the enfranchised race shall point to the children of statesmen now living and say, “their fathers delivered our fathers from the House of bondage and the Land of oppression.”

WILLIAM M. STONE.

6. Singing of the battle hymn of the Republic.

The inauguration ceremonies being concluded, Senator Patterson offered the following resolution, which was adopted :

Resolved, That we, the representatives of the three branches of the government of the State of Iowa, the Executive, the Judiciary, and the Legislature, here assembled, do declare that we pledge ourselves and the State to the eternal principles of *freedom, justice, and political equality* to all men regardless of color or nationality.

On motion of Senator Reed, the Convention was dissolved.

The House re-assembled at the call of the Speaker.

Mr. Sapp moved an adjournment. The motion prevailed, and thereupon the House adjourned till to-morrow morning at ten o'clock.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, January 12, 1866. }

House met pursuant to adjournment. Speaker in the Chair.

Prayer by Rev. Mr. McCague.

Journal of three preceding days read and approved.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has adopted the following resolution, in which the concurrence of the House is asked:

Resolved by the Senate, the House concurring, That the Joint Committee to investigate the condition of certain swamp land indemnity warrants, forwarded to the Executive office, be and they are hereby instructed to take the testimony in writing, and report the same to this General Assembly, in addition to finding of the facts as contemplated by the concurrent resolution under which said committee was appointed.

I am further directed to inform your honorable body that the Senate has adopted the following resolution in which the concurrence of the House is asked:

WHEREAS, The 37th Regiment Iowa Volunteer Infantry was in the military service nearly three years, and all that time doing arduous and useful duty for their country, and

WHEREAS, A portion of said regiment were discharged for disability and were paid their full bounty promised them, whilst those remaining until the rebellion was crushed, received no bounty, but instead, the installment of twenty-five dollars received as bounty money when they were mustered into the service was deducted from their pay, therefore be it

Resolved, by the General Assembly of Iowa, That our Representatives in Congress be requested, and our Senators instructed, to use their utmost endeavors to procure the passage of an act giving those noble men bounties equal to any other volunteers.

2. That a copy of this resolution be forwarded by the Secretary of State to each of our Senators and Representatives in Congress at the earliest practicable period.

I am further directed to inform your honorable body that the Senate has concurred in the House resolution to hold a joint convention on Saturday, January 13, at 11 o'clock a. m., for the purpose of electing U. S. Senators.

I am further directed to inform your honorable body that the Senate has concurred in the House resolution to request the Governor to communicate with the Secretary of War in relation to the immediate muster-out of service of the 1st Iowa Cavalry and such other Iowa Regiments or Companies whose services can be dispensed with.

I am further directed to inform your honorable body that the Senate has concurred in the House amendment to the concurrent resolution appointing a committee to investigate the alleged diversion of the Swamp Land Indemnity Fund, authorizing said committee to employ a Clerk.

I am further directed to inform your honorable body that the Senate has ordered the printing of 2,000 copies of the Governor's message in the English language, 1,000 copies in the Norwegian

language, 1,000 copies in the German language, and 500 copies in the Swedish language.

J. W. DIXON, Secretary.

Mr. Wilcox, moved to expunge from the journal so much of the proceedings as refer to the "knife" resolution.

The motion did not prevail.

PETITIONS.

Mr. Wilson of Dubuque, presented a petition from George Highley, praying for relief.

Referred to the Committee on claims.

Mr. Tisdale presented a petition from citizens of Chickasaw county, asking for an increase in the pay and jurisdiction of County Judges.

Referred to the Committee on Judiciary.

Mr. Sapp presented the petition of Adjutant-General N. B. Baker, asking for a revision of his claims and for a settlement with the A. & Chicago R. R.

Referred to Committee on military affairs.

Mr. Tracy presented a petition and remonstrance from sundry citizens of Orcutt township, Grundy county, asking for the passage of an act restraining stock from running at large.

Referred to Committee on Judiciary.

Mr. Clark presented a petition from the Supervisors of Tama county, asking for power to levy a higher rate of bridge tax.

Referred to the Committee on County and Township organization.

Mr. Bereman presented a petition of sundry citizens of Henry county, asking for the passage of an act regulating the collection of certain taxes.

Referred to Committee on Judiciary.

Mr. Gamble presented a petition of teachers in Marion county, asking for an increase of pay for County Superintendents.

Referred to Committee on Common Schools.

Mr. Thorne presented a resolution adopted by the City Council of the city of Clinton.

Referred to Committee on Ways and Means.

Mr. Morgan presented a petition of sundry citizens of Keokuk, asking for the passage of an act requiring a transfer book to be kept in each county.

Referred to the Committee on Judiciary.

Mr. Serrin presented sundry Railroad petitions.

Referred to Committee on Judiciary.

Mr. DeForrest presented a preamble and resolutions from the Board of Supervisors of Johnson county.

Referred to Committee on Judiciary.

Mr. Thorne presented a preamble and resolution from the Board of Supervisors of Clinton county.

Referred to Committee on Judiciary.

Mr. McKean presented a petition from certain citizens of Jones county, asking for the amendment of section 2241 of the Code of Iowa.

Referred to Committee on County and Township Organization.

Mr. McNutt presented a petition from the Board of Supervisors of Muscatine county, asking for an act allowing the transfer of the relief fund of that county to the general county fund.

Referred to a committee consisting of the members from Muscatine and Louisa counties.

By leave, Mr. McNutt presented the following report from the Committee on Credentials:

The Committee on Credentials beg leave to report that they have examined the credentials of Mr. Douglass Leffingwell, a member elect from the 46th District, and find the same correct.

SAMUEL McNUTT, Chairman.

The report of the committee was adopted, and Mr. Leffingwell took and subscribed to the oath prescribed by the Constitution, and was admitted as a member of the House.

RESOLUTIONS.

Mr. Flanders offered the following resolution, which was laid over under the rule:

Resolved, That His Excellency, Governor Wm. M. Stone, be respectfully requested to furnish to this House such information as he may possess, or the records and correspondence of his office may show, touching the *gross outrages* and cruelty which have been inflicted, as punishments, upon members of the First Iowa Cavalry, or of any other Iowa regiment, contrary to the Regulations and Articles of War, by order of Major-General Custar, or any other officer of the U. S. Army, who has been in command of Iowa regiments now or recently in the United States service.

Mr. Finkbine offered the following resolution, which was adopted:

Resolved, That the Speaker be authorized to separate the Standing Committees on "Schools and State University," and appoint a separate Standing Committee on each.

INTRODUCTION OF BILLS.

Mr. Bennett introduced H. F. No. 3, A Bill for an Act fixing the time for holding Courts in the Sixth Judicial District.

Read first and second time, and referred to committee of the members from that district.

Mr. Burnett introduced H. F. No. 4, A bill for an Act to legalize

the action of the Board of Directors of the District Township of the city of Muscatine.

Read first and second times and referred to the Committee on County and Township Organization.

Mr. Burnett introduced H. F. No. 5, A bill for an Act to confirm and legalize the acts of M. Block, a Notary Public.

Read first and second times and referred to the Committee on Judiciary.

Mr. Knox introduced H. F. No. 6, A bill for an Act defining the duties of the Register of the State Land Office.

Read first and second times and referred to Committee on Public Lands.

Mr. Sapp introduced H. F. No. 7, A bill for an Act to amend an Act to define the time of holding Courts in the Third Judicial District. Read first and second times and referred to a select committee, consisting of Messrs. Sapp, Hale, Linderman, Huggins, and Sipple.

Mr. Holden, by leave, introduced the following concurrent resolution, and moved its adoption :

WHEREAS, A consistent regard for the principles of Republican Liberty, upon which our system of government is based, requires that the full privileges and rights of the citizen should be equally bestowed and accessible to all men ; and,

WHEREAS, During the late civil war the colored residents of our State have voluntarily and generously contributed their efforts to the support of the Union cause, and have earned for themselves the right to an equal enjoyment of the liberties which are continued to us through the services of our soldiery ; and,

WHEREAS, The constitutional prohibition of slavery having been adopted, it is now particularly fitting that we should discard political proscription, and make all men equal before the law ; therefore,

Resolved by the General Assembly of the State of Iowa, That an amendment to the Constitution of the State of Iowa be proposed, to-wit: That from Section one of Article two, of said Constitution, the word "white" be stricken out, which proposed amendment is hereby referred to the next General Assembly for its approval.

Mr. Darwin moved to refer it to the Committee on Constitutional Amendments. The motion prevailed, and the resolution was so referred.

Mr. Mills introduced a resolution as follows :

Resolved by the House of Representatives, the Senate concurring, That we, the Representatives of the People of the State of Iowa, urge upon the attention of Congress the importance and justice of making the bounty of soldiers who enlisted in the army to put down the rebellion in answer to early calls, equal to that of soldiers who enlisted under calls near the close of the war ; and we earnestly entreat Congress to make such enactments as will secure

even justice all to soldiers who enlisted under the various calls of the Government; and

Be it further ordered, That copies of this resolution be forwarded to our Senators and Representatives in Congress.

The resolution was adopted.

Mr. Wilson introduced the following preamble and resolution, and moved its adoption :

WHEREAS, No State can Constitutionally secede from the American Union, and all acts of secession are null and void from the beginning ; and,

WHEREAS, It follows that no one of the States lately in rebellion against this Government has ever been out of the Union, but its relations thereto have only been suspended ; and,

WHEREAS, The speedy restoration of the suspended relations of those States is a matter of paramount importance to the country, involving its peace and harmony, and the perpetuity of the Federal Union ; and,

WHEREAS, The reconstruction policy of the President of the United States is wise, prudent, and promotive of these objects ;

Resolved, the Senate concurring, That the General Assembly of the State of Iowa hereby approves the same, and condemns the doctrine of State suicide, and the reduction of any State to Territorial vassalage.

On motion of Mr. Hale the resolution was referred to the Committee on Federal Relations.

Mr. Sapp introduced the following resolution, and moved its adoption :

Be it resolved by the Senate and House of Representatives of the State of Iowa, That the arch-traitor Jefferson Davis, ex-President of the so-called Southern Confederacy, is guilty of the highest crime known to the Constitution and laws of the United States, and in the opinion of the loyal people of this State, is not a fit subject for clemency, and in our opinion, it is due to the living and the dead, that he should expiate his crimes upon the scaffold.

Mr. Ballinger offered the following amendment: "*Provided* the same can be so done in accordance with law, and the usage of civilized nations."

Mr. McNutt offered the following amendment to the amendment:

Strike out the word "provided" and insert in lieu thereof the words "inasmuch as."

Mr. Bennett moved the previous question, which was seconded, and the question "shall the main question be now put?" was decided in the affirmative. Upon the adoption of the amendment to the amendment, the yeas and nays were demanded and ordered, and were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Belt, Bereman, Bennett, Boomer, Brown of Louisa, Brown of

Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gray, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thatcher, Travis, Tisdale, Thomson, Thorn, Walden, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—82.

The nays were Messrs. Ballinger, Barker, Bahl, Bolter, Brown of Decatur, Comfort, Fellows, Lowdon, O'Brien, Sipple, Wright, Wilson of Dubuque.

Absent not voting, Messrs. Buck, Godfrey, Stockman and Van Leuven.

So the amendment to the amendment was adopted.

The question recurring upon the amendment as amended, the same was lost.

Upon the adoption of the resolution, the yeas and nays were demanded, and were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Carwin, Dashiell, DeForest, Dndley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thatcher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—89.

The yeas were Messrs. Ballinger, Bahl, Buck, O'Brien, Sipple, Wright, Wilson of Dubuque—7.

Absent, and not voting, Messrs. Godfrey and Stockman—2.

So the resolution was adopted.

Mr. Walden introduced the following concurrent resolution :

Resolved by the House of Representatives, the Senate concurring, That on Saturday, the 13th day of January, 1866, at 11 o'clock, A. M., the time appointed for the election of United States Senators, there be also elected a Warden of the Penitentiary, State Printer, and State Binder.

Mr. Sapp moved to amend by striking out the words "State Printer." Carried.

Mr. Emery moved to postpone till Monday.

Mr. Williams, of Des Moines, moved that the resolution be laid upon the table. The motion to lay upon the table was adopted.

Mr. Morgan introduced the following resolution:

Resolved, That the Speaker of the House be, and he is hereby requested to employ another paper-folder, and that Simon Doran be that person.

Mr. Buck moved that the resolution be laid upon the table; which motion was adopted.

Mr. Maxwell moved that when the House adjourn, it be until to-morrow morning at 10 o'clock. Carried.

On motion of Mr. Bennett, Mr. Holden was excused from attendance in the House for the coming week.

Mr. Russell moved that the following committees be added to the regular Standing Committees of the House:

Committee on Penitentiary.

Committee on Blind Asylum.

Committee on Lunatic Asylum.

Committee on Deaf and Dumb Asylum.

Committee on Agricultural College and Farm.

The motion prevailed.

Mr. McCullough offered the following resolution, and moved its adoption:

Resolved, That the Janitor receive six daily papers, or their equivalent in weeklies, and two dollars per week postage, and that the Post-master receive five dailies, or their equivalent in weeklies, and \$1.50 per week postage.

Mr. Brown, of Van Buren, moved to amend by striking out the word "Janitor." The amendment was adopted, and the resolution as amended, was adopted.

On motion of Mr. Emery, the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, January 13th, 1866. }

House met pursuant to adjournment. Speaker in the Chair.

Prayer by Rev. Mr. Childs.

Journal of yesterday read and approved.

Mr. Barker moved to reconsider the vote by which the resolution concerning the trial of Jefferson Davis was adopted, and to postpone the question of reconsideration until next week. Carried.

PETITIONS.

Mr. Bolter presented a petition from A. W. Lockling and other citizens of Harrison county, asking for the passage of an act to perfect the title to certain lands.

Referred to the Committee on Public Lands.

Mr. Bennett presented a petition from J. F. Brown and other citizens of Washington county, asking for the passage of an act increasing the compensation of County Recorders.

Referred to Committee on Compensation of State Officers.

Mr. Walden presented a petition from the county officers of Appanoose, asking for an increased compensation.

Referred to Committee on compensation of Public Officers.

Mr. Wilson of Marshall, presented a petition from Daniel Stevens and other citizens of Marshall county, praying for the passage of an act to restrain stock from running at large.

Mr. Thorn presented a petition from Adj. Gen. Baker, asking for compensation for services as Quartermaster General for the State of Iowa.

Read and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. Tracy from the Committee on Chaplains presented the following report :

Your Committee would respectfully report that they have conferred with the resident clergy of this city, and made arrangements with them to serve the House alternately in order agreed upon among themselves.

L. D. TRACY, } Committee.
CICERO CLOSE, }

RESOLUTIONS LAID OVER UNDER RULE 34.

The resolution of Mr. Flanders, introduced yesterday, and laid over under the rule, concerning outrages inflicted on the 1st Iowa Cavalry, was taken up.

Mr. Bennett offered the following amendment: To insert the word "alleged" before the word "injuries."

The amendment was adopted, and the resolution as amended was adopted.

INTRODUCTION OF BILLS.

Mr. Runyan introduced House File No. 8, a bill for an act to legalize the official acts of W. C. Canwell, a Notary Public.

Read first and second times and referred to the Committee on Judiciary.

Mr. Burnett introduced House File No. 9, a bill for an act to promote the collection and assessment of cities and towns.

Read first and second times and referred to the Committee on Incorporations.

Mr. Tracy introduced House File No. 10, a bill for an act amendatory to an act to amend Section 4 of Chapter 1 of the laws passed by the Eighth General Assembly.

Read first and second time and referred to Committee on compensation of Public Offices.

Mr. Abbott introduced House File No. 11, a bill for an act to legalize the proceedings of N. B. Nichols, a Notary Public in and for Dallas county. Read a first and second time and referred to Committee on Judiciary.

Mr. Wilson, of Dubuque, introduced House File No. 12, a bill for an act to legalize the official acts of Alanzo Vanduzee, a Notary Public. Read first and second time and referred to Committee on Judiciary.

Mr. Wilson, of Dubuque, introduced House File No. 13, a bill for an act to prevent R. R. companies from abusing or misusing their franchises. Read first and second time and referred to Committee on R. R's.

Mr. Safely introduced House File No. 14, a bill for an act to provide for the printing and distribution of the Governor's biennial message. Read first and second time and referred to Committee on Printing.

Mr. Thorne introduced House File No. 15, a bill for an act to repeal Sec. 4993 of Revision of 1860. Read first and second time and referred to Committee on Judiciary.

RESOLUTIONS.

Mr. Wilcox offered the following resolution, and moved its adoption :

WHEREAS, The Inaugural address of Governor Wm. M. Stone meets the great issues of the present day in a bold and statesman-like manner, alike creditable to the head and heart of its author, and to the advanced position of our young and patriotic State, and is calculated to educate our people up to the high stand point of political equality. Therefore,

Resolved, That the Chief Clerk of the House be directed to procure the printing of 7,000 copies of the said Inaugural Address in English, and 3,000 in German, 2,000 in Holland, 1,000 in Norwegian, 1,000 in Bohemian, and 500 in the Swedish language, subject to the same restriction for translation as the Message.

Mr. Wilcox moved the previous question, which motion was not seconded.

Mr. Glasgow offered the following resolution as a substitute :

Resolved, That the Speaker request of the Governor a copy of

his Inaugural, and that — copies of the same be printed in the English language; — copies in the German language; — copies in the Holland language; — copies in the Norwegian language; — copies in the Bohemian language; — and copies in the Swedish language, for the use of this House; *Provided*, the cost of the translation into each of the several languages does not exceed the sum of — dollars.

Mr. Safely proposed to fill the first blank with 4,000. Lost.

Mr. Ballinger proposed 10,000.

Mr. Sapp proposed 6,000.

On motion of Mr. Sherman, the resolution was laid upon the table.

Mr. Hand offered the following concurrent resolution, which was read and referred to the Committee on Public Land:

WHEREAS, The reports of General Land Office show that there are from 50,000,000 to 60,000,000 acres of government land within the borders of the States lately in rebellion. Therefore,

Resolved by the House of Representatives, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence in favor of the passage of a law extending the provisions of the Homestead Act to the freedmen of the South, to the end that they may be able to secure free homes for themselves in the regions in which they have spent their lives, and in which they have so nobly periled all in defense of their country's flag.

Resolved, That the Governor be, and he is hereby requested to forward a copy of this resolution to each of our Senators and members of Congress.

Mr. Safely offered the following resolution:

Resolved, That the Speaker of the House be and is hereby authorized to employ an additional paper-folder.

Mr. Sapp moved to amend by adding "as long as it may be necessary."

The amendment prevailed, and the resolution as amended was adopted.

Mr. Rogers moved the appointment of a committee of two to wait upon the Senate and inform that body that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed Messrs. Rogers and Sipple.

On motion of Mr. Rogers, the House took a recess for 5 minutes. At the expiration of that time the House was called to order by the Speaker, and the committee to inform the Senate by its chairman, Mr. Rogers, reported that they had performed their duty, and were discharged.

The Speaker appointed Mr. Sherman teller on the part of the House.

The Sergeant-at-Arms announced the honorable Senate, who

entered the hall preceded by its President and Secretary and took the seats assigned them.

JOINT CONVENTION.

Lieutenant-Governor and President of the Senate, Hon. Benjamin F. Gue in the chair.

Senator Ross was appointed teller on the part of the Senate.

Mr. Godfrey of the House, and Senator McJunkin of the Senate were excused from attendance on account of illness.

The joint roll was then called and a quorum found to be present.

On motion of Mr. Hale, the Convention then proceeded to ballot for a U. S. Senator for the short term.

Mr. Sapp nominated Samuel J. Kirkwood. Mr. Fellows nominated J. T. Stoneman.

The roll was called with the following result:

Whole number of votes cast.....	139
Necessary to a choice.....	70
Mr. Kirkwood received.....	118
Mr. Stoneman received.....	20
Fitz Henry Warren received.....	1
Absent and not voting.....	9

Those voting for Mr. Kirkwood were Messrs. Abernethy, Abbott, Barns, Bassett, Brayton, Belt, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Bulis, Burnett, Carbee, Cattell, Clark of Johnson, Clark of Tama, Clarkson, Close, Conway, Crawford, Crookham, Cutts, Darwin, Dashiell, DeForest, Doud, Dudley, Dwelle, Emery, Farwell, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Gcodrich, Graves, Griffith, Hale, Hand, Hart, Henderson, Hilsinger, Hillyer, Holmes, Holden, Huggins, Joy, Knapp, King, Knox, Lakin, Landes, Larimer, Leake, Leffingwell, Linderman, Marshman, Maxwell, McMillan, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Meyer, Moore, Morgan, Oliver, Olmstead, Palmer, Parvin, Patterson, Poindexter, Powers, Reed, Robertson, Rohlf, Rogers, Ross, Runyan, Russell, Ryan, Sampson, Safely, Sapp, Serrin, Sherman, Shippen, Smith, Stiles, Stubbs, Thacher, Thorne, Tisdale, Thomson, Tracy, Travis, Udell, Walden, Warren, West, Wharton, Wilcox, Wright of Cedar, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Woolson, and Young.

Absent or not voting, Messrs. Bridges, Edwards, Godfrey, Hunt, Johnson, McJunkin, Stockman, and Van Leuven.

Those voting for Mr. Stoneman were Alcorn, Ballinger, Barker, Bolter, Brown of Decatur, Buck, Comfort, Fellows, Hedges, Holeman, Knoll, Lowdon, Martin, O'Brien, Paulk, Richards, Sipple, Wright of Alamakee, and Wilson of Dubuque.

Mr. Gamble voted for Fitz Henry Warren.

Samuel J. Kirkwood having received a majority of all the votes cast, was declared duly elected a Senator of the United States, for the unexpired term ending March, 1867.

Mr. Burnett moved that the Convention do now proceed to ballot for a United States Senator for the six years beginning March, 1867.

The motion prevailed, and Mr. Darwin nominated James Harlan. Mr. Ballinger nominated H. H. Trimble.

The roll was then called with the following result :

Whole number of votes.....	138
Necessary to a choice.....	70
Mr. Harlan received.....	118
Mr. Trimble received.....	20
Absent or not voting.....	8

Those voting for Mr. Harlan were Messrs. Abernethy, Abbott, Barnes, Bassett, Brayton, Belt, Bereman, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Bulis, Burnett, Carbee, Cattell, Clark of Johnson, Clark of Tama, Clarkson, Close, Conway, Crawford, Crookham, Cutts, Darwin, Dashiell, DeForrest, Doud, Dudley, Dwelle, Emery, Farwell, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Hart, Henderson, Hilsinger, Hillyer, Holmes, Holden, Huggins, Joy, Knapp, King, Knox, Lakin, Landes, Larimer, Leake, Leffingwell, Linderman, Marshman, Maxwell, McMillan, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Meyer, Moore, Morgan, Oliver, Olmstead, Palmer, Parvin, Patterson, Poindexter, Powers, Reed, Robertson, Rohlf, Rogers, Ross, Runyan, Russell, Ryan, Sampson, Safely, Sapp, Serrin, Sherman, Shippen, Smith, Stiles, Stubbs, Thacher, Thorne, Tisdale, Thomson, Tracey, Travis, Udell, Walden, Warren, West, Wharton, Wilcox, Wright of Cedar, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Woolson, Young.

Absent or not voting, Messrs. Bennett, Bridges, Edwards, Godfrey, Hunt, Johnson, McJunkin, Stockman.

Those voting for Mr. Trimble were Messrs. Alcorn, Ballinger, Bahl, Barker, Bolter, Brown of Decatur, Buck, Comfort, Fellows, Hedges, Hollman, Knoll, Lowdou, Martin, O'Brien, Paulk, Richards, Sipple, Wright of Alamakee, and Wilson of Dubuque.

James Harlan having received a majority of all votes cast, was declared duly elected a Senator of the United States for the term of six years from and after the 4th day of March, A. D. 1867.

Credentials of the election were then read and signed as follows :

REPRESENTATIVE HALL, DES MOINES, IOWA, }
JANUARY 13TH, 1866. }

This is to certify, that at an election by the two Houses of the

General Assembly of the State of Iowa, in joint convention, on Saturday the 13th day of January, A. D. 1866, for the purpose of electing a United States Senator to fill the vacancy occasioned by the resignation of Hon. James Harlan, Samuel J. Kirkwood, having received a majority of all the votes cast for said office, was declared duly elected United States Senator for the unexpired term ending March 3d, 1867, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of January, A. D. 1866.

B. F. GUE,
President of the Senate.

ED WRIGHT,
Speaker of the House of Representatives.

ATTEST :

LEWIS W. ROSS,
Teller of the Senate.

HOYT SHERMAN,
Teller of the House of Representatives.

REPRESENTATIVES HALL, DES MOINES, IOWA, {
JANUARY 13th, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturddy, the 13th day of January, A. D. 1866, for the purpose of electing a United States Senator, James Harlan having received a majority of all the votes cast for said office, was declared duly elected United States Senator for the term of six years from and after March 4th, 1867, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of January, A. D., 1866.

B. F. GUE,
President of the Senate.

ED WRIGHT,
Speaker of the House of Representatives.

LEWIS W. ROSS,
Teller of the Senate.

HOYT SHERMAN,
Teller of the House of Representatives.

Mr. Oliver moved that the Convention do now rise, which motion prevailed, and the Convention dissolved.

Mr. Finkbine moved that there be a committee of two appointed on the part of the House to confer with a similar committee on the part of the Senate to prepare joint rules for the government of the House and Senate. The motion prevailed, and Messrs. Finkbine and Barker were appointed.

Mr. Rogers introduced the following joint resolution, and moved its adoption.

WHEREAS, The Congress of the United States did on the first day of February, one thousand eight hundred and sixty-five, pass a resolution, two thirds of both houses concurring therein, which is in the words following, to-wit: "A resolution submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following Article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid to all intents and purposes as a part of said Constitution, namely:

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this Article, by appropriate legislation.

1. *Be it resolved by the General Assembly of the State of Iowa,* That the said amendment to the Constitution of the United States, so proposed by Congress, be and the same is hereby by this General Assembly ratified, agreed to, and confirmed.

2. *Resolved,* That the Secretary of State forthwith transmit to the Secretary of State of the United States a duly authenticated copy of these resolutions.

On the question of the adoption of the resolution, the yeas and nays were demanded, and were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finckbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher Travis, Tisdale, Thomson, Thorn, Van Leuvan, Walden, West, Wilcox, Wright, Wilson of Dubuque,

Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—96.

Absent or not voting Messrs. Stockman and Godfrey.

Mr. Finkbine offered the following resolution which was adopted:

Resolved, That when this House adjourn, it be until ten o'clock Monday morning.

Mr. Sherman offered the following resolution :

Resolved, That the House hold but one session on each day, and that House Rule No. 41 be amended to read: "The hour to which the House shall stand adjourned from day to day shall be 10 o'clock A. M., unless otherwise ordered."

The resolution was laid over under the rule.

Mr. McNutt offered the following concurrent resolution, which was read and referred to the Committee on Constitutional amendments :

Be it resolved by the General Assembly of the State of Iowa. That the article on suffrage in the Constitution be amended by the addition of the following proviso: Add to section *first* of article *second*, after the words "authorized by law," the words following, to-wit :

Provided, that no person who left his home or went out of this State, or beyond the limits of the United States for the purpose of avoiding any enrollment conscription or draft, and no person who served in, or joined with any rebel or insurgent forces opposed to the army or authority of the United States, or this State, shall ever be permitted to vote at any election held under the laws of this State.

This proposed amendment is hereby referred to the next General Assembly for its approval.

Mr. Comfort offered the following concurrent resolution, which was adopted.

Resolved by the House, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence to procure the establishment of a daily mail route from Boonsboro in Boone County, via. Denison and Paradise in Crawford county. Olmsted and Whitesboroug to St. Johns, in Harrison county, at the earliest period possible.

Resolved, That the Secretary of State be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

The following concurrent resolution from the Senate was taken up and adopted :

Resolved by the Senate, the House concurring, That the joint committee to investigate the condition of certain Swamp Land Indemnity Warrants, forwarded to the Executive office, be and they are hereby instructed to take the testimony in writing, and report the same to this General Assembly in addition to finding of

the facts as contemplated by the concurrent resolutions under which said committee was appointed.

On motion of Mr. O'Brien, the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, DES MOINES, }
January 15, 1866. }

House met pursuant to adjournment. Speaker in the chair
Prayer by Rev. Mr. Geiger.

Journal of Saturday read and approved.

The Speaker appointed the following additional standing committees.

The Speaker here announced the following Standing Committees :

HOUSE STANDING COMMITTEES.

Judiciary—Messrs. Darwin, Hale, Rogers, Joy, Sapp, Wilson of Dubuque, Barker, Belt, Bereman, Travis and Dashiell.

Constitutional Amendments—Messrs. Hale, Darwin, Dashiell, Barker, McKean, Walden, and Wilson of Marshall.

Federal Relations—Messrs. Sapp, Darwin, McCullough, Rogers, Wilson of Dubuque, Dashiell, Travis, McNutt, Emery and Walden.

Ways and Means—Messrs. Finkbine, Wilcox, Runyan, McNutt, Clark, O'Brien, Sherman, Garber, Holden and Brown of Van Buren.

Schools—Messrs. Rogers, Burnett, Tisdale, Hale, Fellows, Garrett, Barnes, Clark and Wilson of Jackson.

State University—Messrs. Belt, Burnet, Holden, Glasgow and Finkbine.

Claims—Messrs. Clark, DeForest, Brown of Louisa, Wright, Comfort, Crawford, Graves and Gamble.

County and Township Organization—Messrs. Runyan, Thorn, DeForest, Fry, O'Brien, Brown of Madison, Garber and Close.

Compensation of Public Officers—Messrs. Joy, Barker, Serrin, Thorn, Safely, Knox and Huggins.

Banks and Banking—Messrs. Wilcox, Burnett, Williams of Winneshiek, Goodrich, Mills, Lowdon, Stockman and Landes.

Library—Messrs. Tisdale, Ryan, Hale, Fellows and Travis.

Expenditures—Messrs. Knox, Stockman, Graves, Holmes, McKean, Morgan, McPherson, McLaughlin and Leffingwell.

Enrolled Bills—Messrs. Tisdale and Ryan.

Engrossed Bills—Messrs. Dwelle and Mills.

Military Affairs—Messrs. Glasgow, Bereman, Barnes, Bennett, Gray, Ballinger, McCullough, Godfrey and West.

Railroads—Messrs. Sherman, Belt, Wilcox, Sapp, Wilson of Dubuque, Poindexter, Joy, Holden, Palmer, Ballinger, Safely, Serrin, Liuderman, Williams of Winneshiek and Tracy.

Roads and Highways—Messrs. Maxwell, Brown of Winneshiek, Dudley, Buck, Abbott and Hand.

Charitable Institutions—Messrs. Godfrey, Bereman, Runyan, Thomson, Flanders, Brown of Decatur, Abernethy, Lowdon, and Poindexter.

Domestic Manufactures—Messrs. Williams of Des Moines, O'Brien, Fry, Dwelle, Emery, Gamble, and Sipple.

Public Lands—Messrs. Russell, Linderman, Carbee, Williams of Des Moines, Abbott, Bolter, and West.

Internal Improvements—Messrs. Holden, Conway, Landes, Lowdon, Knapp, Boomer, Bahl, Rohlf, and Morgan.

Agriculture—Messrs. Thomson, Close, Maxwell, Griffith, Buck, Wilson of Jackson, West, Olmstead, Russell, and Garber.

Public Buildings—Messrs. Close, Serrin, Olmstead, Martin, McPherson, Knapp, Rohlf, DeForrest, and Sipple.

Printing—Messrs. McNutt, Godfrey, Goodrich, Emery, Flanders, and Graves.

New Counties—Messrs. Brown of Winneshiek, Gaylord, Bolter, Hand, Huggins, Thacher, and Wright.

Elections—Messrs. Carbee, Abernethy, Boomer, Fellows, Gary, and Flanders.

Rules—Messrs. McCullough, Russell, Barker, Bennett, Finkbine, and Brown of Winneshiek.

Des Moines River Improvements—Messrs. Barnes, Maxwell, Brown of Van Buren, Dudley, Martin, Alcorn, Van Leuven, and Hand.

Incorporations—Messrs. Williams of Winneshiek, Huggins, Ryan, Palmer, Mills, Stockman, Thacher, Van Leuven, and Brown of Decatur.

Judicial Districts—Messrs. Poindexter, Goodrich, Glasgow, Bahl, Griffith, Thorne, Browne of Louisa, Crawford, Comfort, Knox, McKean, and Wilson of Marshall.

Congressional Districts—Messrs. Bennett, Abernethy, Wilson of Jackson, Bahl, Walden, Van Leuven, Sherman, Linderman, Knapp, and Bolter.

Police Regulations—Messrs. Garrett, Brown of Madison, Leffingwell, Rohlf, Brown of Louisa, and Alcorn.

Suppression of Intemperance—Messrs. Tracy, Safely, Dwelle, Buck, Carbee, Morgan, and Palmer.

Senatorial and Representative Districts—Messrs. Wilson of Marshall, McLaughlin, Tracy, Conway, Brown of Decatur, Leffingwell, Gaylord, Holmes, and Landes.

Asylum for the Insane—Bennet of Washington, Boone, Sipple, Williams of Des Moines, and Conway.

Asylum for the Deaf and Dumb—Leffingwell, Brown of Madison, McPherson, Gamble, and Garrett.

Agricultural College and Farm—Russell, Griffith, Holmes, Fry, and Wright.

Penitentiary—Brown of Winneshiek, Abbott, Martin, Brown of Van Buren, and Olmstead.

Blind Asylum—Goodrich, Gary, Brown of Decatur, Ballinger, Crawford.

PETITIONS.

Mr. McNutt presented a petition from M. L. Miksell and other citizens of Muscatine county, asking for increase of compensation to County Recorders.

Read and referred to the Committee on Compensation of Public Officers.

Mr. Poindexter presented a similar petition from W. H. Tomlinson and other citizens of Mitchell county.

Referred to the Committee on Compensation of Public Officers.

Mr. Breman presented a similar petition from Harton J. Howard.

Referred to same Committee.

Mr. Williams of Winneshiek, presented a similar petition from J. E. Powers, Recorder of Winneshiek county.

Referred to same Committee.

Mr. Glasgow presented a petition for the relief of Terry Fullis.

Referred to Committee on Military Affairs.

Mr. Safely presented a petition from the Board of Supervisors of Cedar county, with reference to

1. Limitation of the rates of fare and charges for freight upon the several railroads operating within the State.

Referred to Committee on Railroads.

2d. Protection of sheep by a tax on dogs, or otherwise.

Referred to Committee on Agriculture.

3d. Encouragement to the growth of live hedges and timber by the payment of a limited bounty, or otherwise.

Referred to Committee on Agriculture.

4th. The duties and liabilities of contiguous owners of land pursuing agriculture in common.

Referred to Committee on Agriculture.

5th. Encouragement to the introduction of manufacturing capital in the State, by relief from taxation for a limited period, or otherwise.

Referred to Committee on Manufactures.

Mr. Burnett presented a petition from Henry O'Conner, and other citizens of Muscatine county, asking for an increase in the fees of Justices of the Peace.

Referred to Committee on compensation of Public Officers.

Mr. Barnes presented a petition from Cyrus W. Fisher, and other citizens of Mahaska county, asking for an increase in the pay of Sheriffs.

Referred to Committee on compensation of Public Officers.

Mr. Graves presented the claim of R. A. Smith for lumber furnished to build stockades and barracks.

Referred to Committee on Claims.

Mr. Graves presented a similar claim from Robert E. Ridly.

Referred to same Committee.

Mr. McLaughlin presented a petition from J. M. Stuart, and other citizens of Jackson county, asking for the repeal of the prohibitory liquor law, and the enactment of a license law.

Referred to Committee on Suppression of Intemperance.

Mr. Wilson of Dubuque, presented a similar petition from Henry Schroeder, and other citizens of Dubuque.

Referred to same Committee.

Mr. Fellows presented a similar petition from citizens of Alakee county.

Referred to same Committee.

Mr. Griffith presented a petition from Wm. Wilson, and others, asking for the passage of an act requiring every officer of this State to subscribe to an oath that he will not use, during the term of his office, any intoxicating liquors as a beverage.

Referred to Committee on Suppression of Intemperance.

Mr. Carbee presented a petition from J. S. Butler, and other citizens of Springville, Linn county, Iowa, asking for the passage of act compelling the vacation of certain alleys and streets.

Referred to Committee on Roads and Highways.

REPORTS OF COMMITTEES.

Mr. Finkbine presented the following report from the Committee on Joint Rules.

MR. SPEAKER:—Your Committee appointed to confer with a Senate Committee on the subject of joint rules, have performed the duty assigned them and instructed me to report, recommending the adoption of the joint rules of the 10th General Assembly.

FINKBINE, Chairman.

The report of Committee was concurred in.

Mr. McCullough presented the following report from the Committee on Rules.

MR. SPEAKER:—I am instructed by the Committee on Rules to report the following amendment to House rule No. 29. To insert the word "in" before the word "divisible" in the last line of said rule.

McCULLOUGH, Chm.

The report was concurred in.

RESOLUTIONS LAID OVER UNDER THE RULE.

Mr. Sherman's resolution to change the time of the sessions of the House, was taken up.

Mr. Safely moved to strike out "10 A. M.," and insert "9 A. M."

Mr. Tisdale moved to further amend by striking out the word "nine," and insert in *lieu* thereof, the words "from one to five P. M."

On motion of Mr. Clark, the resolution was made the special order for Saturday at 10 o'clock.

INTRODUCTION OF BILLS.

Mr. Barker introduced House File No. 16, a bill for an act compelling witnesses to appear before Investigating Committees.

Read first and second times, when the rule was suspended, and the bill read a third time.

On the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Lonisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Linderman, London, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thache, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—92.

Absent and not voting, Messrs. Abbott, Flanders, Godfrey, Holden, Leffingwell and Stockman—6.

So the bill passed and the title was agreed to.

Mr. Rogers introduced House File No. 17, a bill for an act to amend subdivision 2 of Section 710 of the Revision of 1860.

Read first and second time and referred to Committee on Ways and Means.

Mr. Landes introduced House File No. 18, a bill for an act to exempt soldiers from military duty under State laws.

Read first and second time and referred to Committee on Judiciary.

Mr. Clark introduced House File No. 19, a bill for an act fixing times of holding court in the 8th Judicial District.

Read first and second time and referred to a committee of members from that District—Mr. Runyan, Chairman.

Mr. Rogers introduced House File No. 20, a bill for an act to amend the law in reference to the execution of judgments for the foreclosure of mortgages.

Read first and second time, and referred to Committee on Judiciary.

Mr. Wilson of Jackson introduced House File No. 21, a bill for an act to amend Sec. 710 of the Revision of 1860 in relation to Bridge tax.

Read first and second time and referred to Committee on Ways and Means.

Mr. Knox introduced House File No. 22, a bill for an act entitled an act to provide for the loan of the permanent School Fund, fixing the rate of interest thereon and limiting the price at which School land may be sold, and for other purposes, passed by the 10th General Assembly.

Read first and second time and referred to Committee on Schools.

Mr. Brown of Winneshiek introduced House File No. 23, a bill for an act to amend Section 4318 of the Revision of 1860 relating to malicious mischief and trespass on property.

Read first and second time and referred to Committee on Judiciary.

Mr. Gaylord introduced House File No. 24, a bill for an act for the more general advertisement of estrays.

Read first and second time and referred to Committee of Agriculture.

Mr. Joy introduced House File No. 25, a bill for An act to legalize the official acts of Samuel T. Dennis.

Read first and second time and referred to Committee on Judiciary.

Mr. Poindexter introduced House File No. 26, a bill for an act to amend section 800 of the revision of 1860.

Read a first and second time and referred to Committee on Ways and Means.

RESOLUTIONS.

Mr. Hale introduced the following resolution and moved its adoption :

Resolved, That a committee of three be appointed to visit the Penitentiary of the State of Iowa, and that they are hereby instructed to make a report to this House at the earliest day practicable, of the the condition of the same, in what manner the last appropriation has been expended, and how the same generally has been managed since the last session of the General Assembly.

Mr. Serrin offered the following amendment :

Resolved by the House of Representatives, the Senate concurring, That a Joint Committee consisting of three from the House and two from the Senate, be appointed to visit the State Penitentiary, and examine into its condition and necessities, and report the same to this General Assembly.

Mr. Bennett offered the following amendment :

Resolved by the House of Representatives, the Senate concurring, That a Joint Committee composed of two on the part of the House and one on the part of the Senate be at once appointed to visit the Penitentiary of this State, at as early a day as may be practicable, with instructions to examine and report to this General Assembly :
 1. The sanitary condition, police regulations, and discipline of the prison and what privileges of a religious and literary character, are afforded the convicts. 2. The books, accounts, receipts, vouchers, and all papers pertaining to the financial management of the prison, in the hands of, or under the control of, the Warden, or his assistant. 3. What farther improvements, if any, are necessary to the safe and humane custody of the convicts, the character, extent, and probable cost of such improvements; and such other matters as may pertain to the public interest in the Penitentiary.

The amendment to the amendment was adopted.

The amendment as amended was also adopted.

The resolution as amended was adopted.

Mr. Clark offered the following resolution, which was laid over under the rule :

Resolved, That the Attorney General be requested to communicate to this House, at as early a day as practicable, his opinion whether or not the General Assembly have power to restrict and regulate the tariff of prices for passage and freights over the several Railroads in this State, and also the tariff rates of Express Companies.

Mr. Maxwell offered the following concurrent resolution, which was read and referred to the Committee of Ways and Means :

Resolved by the House of Representatives, the Senate concurring, That the Auditor of State be, and he is hereby authorized and directed to credit the county of Story with the sum of four hundred and forty-two 64-100 (442.64) dollars, (of which \$266.15 are State funds, and \$176.49 are interest of school funds,) on satisfactory evidence that said amounts are the *pro rata* losses of said funds by the burning of the Court House of said county, on the night of December 31, 1863.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has appointed Senators Clarkson, Hedges, and Woolson as a committee on joint rules of the two Houses, to act with a similar committee on the part of the House..

J. W. DIXON, Secretary.

Mr. Bereman offered the following resolution which was adopted :

WHEREAS, The improvement of the Mississippi Rapids is a work of paramount importance to the interests of the State of Iowa; and
 WHEREAS, A Ship-Canal, from some point on the Mississippi river to the Illinois river, and thence to Lake Michigan, is essentially necessary to the welfare of our State; therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested to use all honorable and available means of securing the passage of an Act by Congress for the accomplishment of the objects above named, and at as early a day as practicable.

Resolved, That the Secretary of State be instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

On motion of Mr. Travis, the resolution was referred to the Committee on Federal Relations.

Mr. Sherman offered the following resolution, and moved its adoption:

Resolved, That there be printed for the use of this House the same number of copies of the Inaugural Message that have been ordered of the Biennial Message, in the same languages, and with like compensation for translations.

The resolution was adopted. 4

Mr. Thomson offered the following resolution, which was laid over under the rule:

Resolved, That His Excellency Wm. M. Stone, Governor of this State, be requested to furnish to this House such information as may be in his possession or may be obtained from documents in his office, the number of men credited to the State of Iowa, (under the one year system of credits) at the time the draft was ordered, during the summer of 1864; and also what the quota of our State was (inclusive of all calls) at the time the draft above referred to was ordered.

Mr. Safely offered the following resolution, and moved its adoption:

Resolved, That the Secretary of State be, and he hereby is, authorized to have printed and distributed, twenty copies of Governor Stone's Inaugural Address to each Company of Iowa Soldiers now in the service of the United States.

Mr. Van Leuven moved to amend by striking out the word "twenty" and inserting in lieu thereof, the word "forty," and the resolution was adopted.

Mr. Rogers offered the following resolution, which was adopted:

WHEREAS, By reason of the late period of the year to which, under the present law, the collection of the annual State and County taxes is postponed, combined with the fact that personal property is required to be listed and assessed for taxation in the name of the owner thereof on the first day of January, a large amount of the taxes levied on such property is annually lost to the State and the several counties thereof by the removal or disappearance of the property so taxed and the consequent impossibility of collecting the tax, thus producing a deficiency which has to be paid up by increased taxes on other property, especially real estate,

Resolved, That it be referred to the committee on Ways and

Means, to consider the practicability and expediency of providing for the levy and collection of the annual taxes, earlier in the year, with power to report by bill or otherwise.

Mr. Travis offered the following joint resolution :

WHEREAS, Measures are pending in Congress whereby it is proposed that the Constitution of the United States be so amended as to change the basis of representation ; therefore,

1st. *Be it resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives requested to use their influence to have the initiatory measures adopted by Congress whereby the Constitution of the United States shall be so amended as to change the present basis of representation ; and that no State shall be represented for any persons within its borders, who, by the Constitution or laws of said State, are excluded from the the elective franchise on account of race or color.

2d. *Resolved,* That a copy of these resolutions be forwarded by the Secretary of State to each of our Senators and Representatives in Congress.

The resolution was read and referred to the Committee on Federal Relations.

Mr. Tracy introduced the following resolution, which was adopted :

Resolved, That the Committee on Judiciary be instructed to enquire into the expediency of increasing the compensation of witnesses and jurors in civil and criminal actions.

Mr. Tracy offered the following resolution, which was adopted :

Resolved, That the committee on compensation of public officers, be instructed to enquire into the expediency of increasing the compensation of all township officers, including school district officers.

Mr. McKean offered the following resolution, which was adopted :

Resolved, That all the public documents published by this House be placed in the hands of the Secretary of State by the State Printer or Binder, and that he retain in his own hands 300 copies of each, published in the English language, and shall furnish to each of the members of this House, one bound copy thereof at the end of the session ; that he shall place twenty bound copies in the State Library ; and shall retain the balance of said 300 in his hands for future use ; and the balance of such documents to be distributed equally among the members of this House.

Mr. Darwin offered the following resolution, which was adopted :

Resolved, That the Committee on Judiciary be increased by the addition of another member.

Mr. Flanders offered the following joint resolution and moved its adoption :

Be it resolved by the General Assembly of the State of Iowa, That the State of Iowa, by its Legislature, hereby respectfully requests

His Excellency, Andrew Johnson, President of the United States, to use his influence, as the Executive of the United States, to have Jefferson Davis, late President of the late so-called Confederate States, and Robert E. Lee, late commander of the late Confederate army, *tried for treason*, according to the laws of the United States, and if found guilty, *punished*, as said laws direct.

Resolved, That the Secretary of State be requested to forward a copy of these resolutions to the President of the United States and to each of our Senators and Representatives in Congress.

Mr. Rogers moved to refer the resolution to the Committee on Federal Relations. The motion prevailed, and it was so referred.

Mr. Rogers offered the following resolution, which was adopted :

1. *Resolved*, That so much of the Governor's message as relates to finance and revenue be referred to the Committee of Ways and Means.

2. That so much of said message as relates to schools be referred to the Committee on Schools.

3. That so much of said message as relates to the State University be referred to the Committee on the State University.

4. That so much of said message as relates to the permanent school fund be referred to the Committee of Ways and Means.

5. That so much of said message as relates to the Agricultural College be referred to the Committee on the Agricultural College and Farm.

6. That so much of said message as relates to the State Historical Society be referred to the Committee on the State University.

7. That so much of said message as refers to the Insane, Blind and Deaf and Dumb Asylums respectively be referred to the respective Committees on these institutions.

8. That so much of said message as relates to the State Penitentiary be referred to the Committee on the State Penitentiary.

9. That so much of said message as relates to land grants be referred to the Committee on Public Lands.

10. That so much of said message as relates to judicial salaries be referred to the Committee on the Judiciary, with instructions to inquire and report what is the present state of the law on that subject, and the Constitutional power of the General Assembly in reference thereto, with a bill for such act as they may recommend, if any.

11. That so much of said message as relates to railroads be referred to the Committee on Railroads.

12. That so much of said message as relates to the subjects of the military, an arsenal and the militia be referred to the Committee on Military Affairs.

Mr. Rogers also introduced the following concurrent resolution, which was adopted :

Resolved, if the Senate shall concur, That a Joint Committee to consist of two on the part of the Senate, and three on the part of

the House, shall be appointed, to whom so much of the Governor's Message as relates to claims against the United States shall be, and the same is hereby referred, with instructions to investigate the subject and report a definite and practicable plan for securing a settlement of said claims with the United States.

Mr. Fry offered the following resolution, and moved its adoption :

Resolved, That the Secretary of State be required to furnish each member of the House with a copy of the Revision of 1860; also, a copy of the laws of Iowa since the Revision of 1860; together with a copy of the House Journal of the 10th General Assembly.

On motion of Mr. Rogers the House adjourned until 2 o'clock.

2 O'CLOCK P. M.

Mr. McNutt introduced the following resolution :

Resolved, That a Committee of three be appointed to ascertain the amount of mileage due each member of this House.

The resolution was adopted, and Messrs. McNutt, Sherman and Sipple were appointed as such Committee.

MESSAGES ON THE SPEAKER'S TABLE.

The Speaker presented the annual report of the State Librarian.

Mr. Hale moved that the report lie upon the table and be printed.

The motion prevailed.

The concurrent resolution of Senate relative to the payment of the 37th Regiment, was taken up and on motion of Mr. Russell referred to the Committee on Military Affairs.

Mr. Rogers moved that the House do now adjourn.

The motion to adjourn did not prevail.

UNFINISHED BUSINESS.

Mr. Rogers moved that the motion of Mr. Barker to reconsider the vote by which the House passed a resolution relative to the trial and punishment of Jefferson Davis, which was postponed on Saturday, be now taken up. Carried.

Upon the motion to reconsider, Mr. Barker demanded the yeas and nays, which were obtained, and were as follows :

The yeas were Messrs. Ballinger, Barker, Bahl, Bolter, Buck, O'Brien, Sipple, Wright, Wilson of Dubuque—9.

The nays were—Messrs. Abernethy, Abbott, Alcorn, Barnes, Belt, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Burnett, Car-

bee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForrest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rogers, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorne, Van Leuven, Walden, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, and Mr. Speaker—82.

Absent or not voting, Messrs. Brown of Decatur, Conway, Godfrey, Holden, Lowdon, Rohlf, and Stockman—7.

The motion to reconsider was lost.

Mr. Landes moved that the House do now adjourn.

The motion to adjourn was lost.

The following message was received from the Senate, and taken up for consideration :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has adopted the following resolution, in which the concurrence of the House is asked :

Resolved, if the House concur, That there be printed 500 copies of the rules adopted by the two Houses, including the joint rules, the standing committees, and the usual statistics of the members and officers of both Houses ; that two copies be delivered to each member and officer, and the remaining numbers be retained by the Secretary of State for subsequent use, and the use of the next General Assembly.

J. W. DIXON, Secretary.

Mr. McNutt moved that "500" be stricken out of the concurrent resolution of the Senate relative to the printing of the rules, and that "1000" be inserted in lieu thereof.

The motion prevailed.

Mr. McNutt moved that the resolution be farther amended by striking out "two" and inserting in lieu thereof the word "five."

Mr. Finkbine moved an amendment to the amendment to strike out the word "five" and insert "three."

The amendment to the amendment was lost.

The amendment was adopted.

The resolution as amended was adopted.

Mr. Dudley introduced the following resolution :

Resolved by the House of Representatives of the State of Iowa, That the members return to the Secretary the pens furnished said members, and ask to be furnished with steel pens.

Mr. Hand moved to amend the resolution by striking out "steel pens" and inserting in lieu thereof, "good gold pens."

Mr. Rogers moved that the whole subject be laid on the table. Lost.

The motion to amend was adopted.

The resolution as amended was adopted.

Mr. Clark submitted a claim of Fuller, Warren & Co., for compensation for heating apparatus for the Capitol building, which was received and referred to the Committee on Claims.

On motion of Mr. Runyan, the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, January 16, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. E. H. Winans.

Journal of yesterday read and approved.

The Speaker appointed Mr. Bennett on the Judiciary Committee, in pursuance of the resolution adopted yesterday.

PETITIONS.

Mr. Wilcox presented a petition from J. G. Freeman and other citizens of Buchanan county, asking for the repeal of the prohibitory liquor law, and the enactment of a license law.

Referred to the Committee on suppression of Intemperance.

Mr. Finkbine presented a petition from T. G. Sperry, and other citizens of Johnson county, asking for increased compensation to County Recorders.

Referred to Committee on compensation of Public Officers.

Mr. Boomer presented a similar petition from O. E. Taylor, and other citizens of Delaware county.

Referred to same Committee.

Mr. Boomer presented two petitions from L. A. Nelson, and others asking for the passage of an act requiring Recorders of counties to keep the records of conveyances of town lots separate from those of other real estate.

Referred to Committee on Judiciary.

REPORTS OF COMMITTEES.

The Committee on Ways and Means presented the following report:

The Committee on Ways and Means have had under consideration House File No. 25, A bill for an act to amend Section 800, of the Revision of 1860, and have instructed me to report the same to this House, recommending its passage.

FINKBINE, Chairman.

The Committee on County and Township Organization presented the following report :

Your Committee on County and Township Organization report back House File No. 4, recommending its passage.

A. RUNYAN, Chairman.

The Committee on Judiciary presented the following reports :

The Committee on the Judiciary to whom was referred House File No. 17, A bill for an act exempting soldiers from military duty under State laws, have had the same under consideration, and they have instructed me to report the same back to the House with the request that it be referred to the Committee on Military Affairs.

WM. HALE, Chairman.

The report of the Committee was concurred in and the bill so referred.

The Committee on the Judiciary to whom was referred House File No. 22, A bill for an act to amend Section 4318, of the Revision of 1860, relating to malicious trespass on property, have the same under consideration, and they have instructed me to report the bill back to this House with the recommendation that it do not pass, as the change contemplated by said bill relates to the penalty only, which your Committee believe is great enough as the law now stands.

WM. HALE, Chairman.

The Committee on the Judiciary to whom was referred the petition of the citizens of Orcutt Township, Grundy County, two of whom pray for the enactment of a law whereby stock shall be restrained from running at large, and twenty-six of whom oppose the passage of such a law, have had the same under consideration and they have instructed me to report the same back to the House, with a recommendation that it be referred to the "Committee on Agriculture."

WM. HALE, Chairman.

The report of the Committee was concurred in and the bill so referred.

Mr. McNutt presented the following report from the Committee on mileage :

Your committee to whom was assigned the duty of ascertaining the amount of mileage due to each Member of this House, respectfully report that they have performed that duty, and that there is due to the Members of this House the amount set apposite their names in the accompanying list.

Your Committee recommend that the Clerk of the House be directed to read the names of Members, and number of miles and the amount of mileage allowed by your Committee, and that each member as his name is called shall arise in his place and state whether the amount is correct and just, and if not, to make such correction as shall be just.

Your Committee find that it has been customary to allow the

Chief Clerk the same mileage as is allowed to Members, and therefore recommend that Chas. Aldrich be allowed mileage for one hundred miles each way.

SAMUEL McNUTT, Chm,
HOYT SHERMAN,
W. C. SIPPLE.

Webster Ballinger, Lee county, 380 miles.	\$57.00
P. M. Loudon, Lee county, 400 miles.	60.00
W. C. Buck, Lee county, 390 miles.	60.00
Joel Brown, Van Buren county, 280 miles.	42.00
Jonathan Thatcher, 280 miles.	42.00
J. Garrett, Davis county, 280 miles.	42.00
H. C. Travis, Davis county, 282 miles.	45.00
Madison W. Walden, Appanoose county, 300 miles.	45.00
Samuel L. Glasgow, Wayne county, 350 miles.	54.00
Thomas H. Brown, Decatur county, 300 miles.	45.00
Charles Ben Darwin, Des Moines county, 350 miles.	54.00
Samuel A. Flanders, Des Moines county, 350 miles.	54.00
J. Wilson Williams, Des Moines county, 370 miles.	57.00
John P. West, Henry county, 308 miles.	48.00
Thos. A. Bereman, Henry county, 300 miles.	45.00
J. T. McCullough, Jefferson county, 280 miles.	42.00
Geo. C. Fry, Jefferson county, 250 miles.	39.00
Chas. Dudley, Wapello county, 200 miles.	30.00
Peter Knox, Wapello county, 184 miles.	30.00
H. L. Dashiell, Monroe county, 190 miles.	30.00
A. B. Conway, Lucas county, 180 miles.	27.00
J. F. Landes, Clarke county, 330 miles.	51.00
Chas. Linderman, Page county, 500 miles.	75.00
W. C. Sipple, Fremont county, 475 miles.	72.00
William Hale, Mills county, 420 miles.	63.00
N. T. Brown, Louisa county, 384 miles.	60.00
G. G. Bennett, Washington county, 430 miles.	66.00
H. M. Holden, Washington county, 430 miles.	66.00
T. A. Morgan, Keokuk county, 220 miles.	33.00
D. A. Stockman, Keokuk county, 220 miles.	33.00
T. N. Barnes, Mahaska county, 160 miles.	24.00
S. G. Gary, Mahaska county, 120 miles.	18.00
B. F. Van Leuven, Marion county, 120 miles.	18.00
James D. Gamble, Marion county, 90 miles.	15.00
Geo. E. Griffith, Warren county, 40 miles.	6.00
J. M. Brown, Madison county, 94 miles.	15.00
Wm. F. Sapp, Pottawattamie county, 380 miles.	52.00
Samuel McNutt, Muscatine county, 340 miles.	51.00
R. M. Burnett, Muscatine county, 340 miles.	51.00
Robt. S. Finkbine, Johnson county, 250 miles.	39.00
G. E. De Forest, Johnson county, 266 miles.	42.10
John R. Serrin, Iowa county, 194 miles.	30.00

David H. Emery, Poweshiek county, 160 miles.....	29.00
David Ryan, Jasper county, 64 miles.....	9.90
Hoyt Sherman, Polk county, 00 miles.....	
G. L. Godfrey, Polk county, 00 miles....	
W. S. M. Abbott, Dallas county, 50 miles.....	9.00
H. M. Thomson, Scott county, 408 miles.....	63.00
M. J. Rohlf, Scott county, 396 miles.....	60.00
J. N. Rogers, Scott county, 380 miles.....	57.00
B. R. Palmer, Clinton county, 420 miles.....	63.00
G. W. Thorn, Clinton county, 420 miles.....	63.00
Ed Wright, Cedar county, 340 miles.....	51.00
J. G. Safely, Cedar county, 340 miles.....	51.00
John Wilson, Jackson county, 480 miles.....	72.00
Alva McLaughlin, Jackson county, 500 miles.....	75.00
John Russell, Jones county, 360 miles.....	54.00
John McKean, Jones county, 320 miles.....	48.00
John B. Carbee, Linn county, 425 miles.....	66.00
A. S. Belt, Linn county, 280 miles.....	42.00
Alex. Runyan, Benton county, 300 miles.....	45.00
Leander Clark, Tama county, 170 miles.....	27.00
Thos. J. Wilson, Marshall county, 150 miles.....	24.00
W. T. Barker, Dubuque county, 600 miles.....	90.00
T. S. Wilson, Dubuque county, 600 miles.....	90.00
D. O'Brien, Dubuque county, 636 miles.....	96.00
Andrew Bahl, Dubuque county, 618 miles.....	93.00
Albert Boomer, Delaware county, 424 miles.....	66.00
P. C. Wilcox, Buchanan county, 480 miles.....	72.00
Cicero Close, Blackhawk county, 580 miles.....	84.00
Thos. B. Knapp, Hardin county, 250 miles.....	39.00
P. P. Olmstead, Clayton county, 770 miles.....	117.00
D. Leffingwell, Clayton county, 770 miles.....	117.00
John Garber, Clayton county, 750 miles.....	114.00
A. Abernethy, Fayette county, 775 miles.....	117.00
D. G. Goodrich, Fayette county, 775 miles.....	117.00
Allen E. Holmes, Bremer county, 580 miles.....	87.00
G. J. Tisdale, Chickasaw county, 680 miles.....	102.00
P. G. Wright, Alamakee county, 900 miles.....	135.00
L. E. Fellows, Alamakee county, 900 miles.....	135.00
James H. Brown, Winneshiek county, 900 miles.....	135.00
H. B. Williams, Winneshiek county, 900 miles.....	135.00
W. C. Martin, Boone county, 96 miles....	15.00
Geo. M. Maxwell, Story county, 64 miles.....	19.00
D. W. Poindexter, Howard county, &c., 700 miles.....	105.00
L. D. Tracy, Butler county, &c., 632 miles.....	96.00
W. P. Gaylord, Floyd county, &c., 700 miles.....	105.00
Robert Alcorn, Webster county, &c., 160 miles.....	24.00
L. Dwelle, Worth county, &c., 750 miles.....	114.00
Geo. W. Hand, Humboldt county, 260 miles.....	39.00

Howard Graves, Dickinson county, &c., 320 miles.....	48.00
William L. Joy, Woodbury county, &c., 520 miles.....	78.00
S. J. Comfort, Monona county, &c., 280 miles.....	42.00
L. R. Bolter, Harrison county, &c., 475 miles.....	72.00
A. R. Mills, Calhoun county, &c., 200 miles.....	30.00
A. L. McPherson, Guthrie county, &c., 130 miles.....	21.00
A. K. Crawford, Montgomery county, &c., 250 miles.....	39.00
Alex. Huggins, Taylor county, &c., 350 miles.....	54.00
Chas. Aldrich, Chief Clerk, 200 miles.....	30.00

The report was adopted, and referred to Committee on Ways and Means.

The Committee of Judiciary presented the following report:

The Committee on the Judiciary, to whom was referred the memorial of the Board of Supervisors of Johnson County, praying for the passage of a law changing the present system of collecting taxes, to that of collecting the same by Townships, have had the same under consideration, and they have instructed me to report the same back to the House with a request that it be referred to the Committee on Ways and Means.

WM. HALE, Chairman.

The report was concurred in, and the memorial so referred.

RESOLUTIONS LAID OVER UNDER RULE 34.

The following resolution offered yesterday by Mr. Clark, was taken up and adopted.

Resolved, That the Attorney General be requested to communicate to this House, at as early a day as practicable, his opinion whether or not the General Assembly has power to restrict and regulate the tariff of prices for passage and freights over the several Railroads in this State, and also the tariff rates of Express Companies.

The following resolution offered yesterday by Mr. Thomson, was adopted:

Resolved, That His Excellency, Wm. M. Stone, Governor of the State of Iowa, be requested to furnish to this House such information as may be in his possession, or may be obtained from documents in his office, the number of men credited to the State of Iowa, (under the one year system of credits) at the time the draft was ordered during the summer of 1864. And also, what the quota of our State was (inclusive of all calls) at the time the draft above referred to was ordered.

INTRODUCTION OF BILLS.

Mr. Barker introduced House File No. 27, A bill for an act to punish attempts to commit offenses prohibited by law.

Read first and second time and referred to Committee on Judiciary.

Mr. Thomson introduced House File No. 28, A bill for an act to amend Chapter 172, of the laws of the Ninth General Assembly.

Read first and second time, ordered printed and referred to Committee on Schools.

Mr. Wilson introduced House File No. 29, A bill for an act to protect the earnings of married women.

Read first and second times, and referred to the Committee on Judiciary.

Mr. Glasgow introduced House File No. 30, A bill for an act extending the powers of the Auditor of State.

Read the first and second times, and referred to the Committee on Judiciary.

Mr. Boomer introduced House File No. 31, A bill for an act to amend Section 885 of the Revision of 1860, in relation to poll-tax.

Read first and second times and referred to the Committee on Ways and Means.

Mr. Wilson of Jackson, introduced House File No. 32, A bill for an act providing that county judges shall keep a fee book.

Read first and second time and referred to the Committee on County and Township Organizations.

Mr. Leffingwell introduced House File No. 32, A bill for an act relating to the construction of a bridge across the Mississippi river at McGregor.

Read first and second time, and referred to Select Committee consisting of the delegation from Clayton county.

Mr. Goodrich introduced House File No. 33, A bill for an act to repeal sub-division 23, Section 312, Chapter 22, Article 11, of Code of 1860.

Read first and second time and referred to the Committee on Ways and Means.

Mr. Goodrich also introduced House File No. 35, A bill for an act to amend Chapter 89 of Acts of the Tenth General Assembly.

Read first and second time and referred to the Committee on Ways and Means.

Mr. Crawford introduced House File No. 36, A bill for an act to amend Section 898 of Code.

Read first and second time and referred to the Committee on Roads and Highways.

Mr. Crawford also introduced House File No. 37, A bill for an act for the punishment of bestiality.

Read first and second time and referred to the Committee on Judiciary.

Mr. Burnett introduced House File No. 38, A bill for an act to repeal Section 2498 of the Revision of 1860.

Read first and second times and referred to the Committee on Judiciary.

Mr. Crawford introduced House File No. 39, A bill for an act

to amend Section 2 of Chapter 102 of the Acts of the Tenth General Assembly, relating to common schools.

Read first and second time and referred to the Committee on Schools.

Mr. Sipple introduced House File No. 40, A bill for an act requiring instruments affecting real estate to be recorded.

Read first and second time and referred to the Committee on Judiciary.

Mr. Joy introduced House File No. 41, A bill for an act entitled an act to authorize the board of supervisors of the several counties in this State to appropriate a portion of the relief fund of their respective counties to the payment of the county indebtedness.

Read first and second time and referred to the Committee on Ways and Means.

RESOLUTIONS.

Mr. Rogers introduced the following resolution, which was adopted :

Resolved, That the Committee on Judiciary be instructed to consider the expediency of providing by law for the taking of evidence in suits in equity in the same manner as in suits at law, with power to report by bill or otherwise.

Mr. Rogers also introduced the following resolution, which was adopted :

WHEREAS, A National system of banking has been established and is in successful operation under the laws of the United States, and has, especially in the Western States, practically superseded the State banking systems,

Resolved, That the Committee on Banks and Banking be instructed to consider and report upon the expediency of repealing the banking laws of this State and of prohibiting by law the issuing or circulating within the State of all bills or notes intended or calculated to circulate as money, except such as may be issued by the United States, or under the authority of the laws thereof, with a bill or bills for such act or acts on the subject as they may deem expedient.

Mr. Close introduced the following resolution, which was adopted :

Resolved, That the use of this Hall be granted to the Farmers' Club on Tuesday evening, of each week, during the session of the Eleventh General Assembly.

Mr. Palmer introduced the following joint resolution, which was adopted :

Resolved, That a committee of two from the House and one from the Senate be appointed to go to Story County and examine the College farm and buildings and report the condition of the same to the General Assembly, and also to report whether in their

judgment the last appropriation has been judiciously expended, and the amount necessary to complete the college building, and other facts that may be of interest to the General Assembly.

Mr. Tisdale introduced the following concurrent resolution, which was adopted :

Be it resolved by the House of Representatives of the State of Iowa, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested to favor and urge the establishment of a National Bureau of Education, with headquarters at Washington, with a view to the collection of statistics and other information on general education, and the dissemination of the same, and to the securing of a uniform system of common school education throughout the United States.

Mr. Brown, of Van Buren, offered the following resolution, which was read and made the special order for Friday next at 10 o'clock :

WHEREAS, There seems to be manifest objection to the present system of County Government, and

WHEREAS, It seems to be a question, whether a Board of Commissioners would not be less expensive and more efficient in the transaction of County business, therefore,

Be it resolved by the House of Representatives of the State of Iowa, That we deem it expedient to take action at an early period of this Session, looking to an absolute and radical change of Article eleven, Chapter twenty-two, Revision of 1860.

Mr. Dudley introduced the following resolution, which was adopted :

WHEREAS, By the facilities that are afforded by the D. V. R. R., for travel and transportation, the Des Moines River is no longer used for purposes of navigation,

Resolved therefore by the House of Representatives, the Senate concurring, That our Senators and Representatives in Congress be requested to use there influence to have the said Des Moines River declared not a navigable stream, to the end that the same may be more cheaply improved as a motive power for machinery.

Mr. Sherman offered the following resolution, which was laid over under the rule :

Resolved, That the Secretary of State be requested to furnish copies of Reports of the Railroad Companies of this State, made under provisions of Section 3, Chapter 159, laws of 1862, for the years 1864 and 1865, and to report the names of Companies that have failed to comply with the provisions of that section.

MESSAGE FROM THE SENATE.

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has adopted the following Joint Resolution, as a substitute for the House Resolution, ratifying the amendment to

the Constitution of the United States, abolishing slavery within the United States, which is herewith submitted, and in which the concurrence of the House is asked.

Joint Resolution ratifying the amendment to the Constitution of the United States, abolishing slavery.

WHEREAS, The Congress of the United States has proposed to the several States the following amendment to the Federal Constitution, viz. :

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. "Congress shall have power to enforce this article by appropriate legislation." Therefore

Be it resolved by the General Assembly of the State of Iowa, That the State of Iowa, by its Legislature, hereby ratifies and assents to said amendment.

I am also directed to inform your Honorable Body that the Senate has concurred in the House concurrent resolution relative to the equalization of bounties to soldiers.

I am also directed to inform your Honorable Body that the Senate has ordered printed of the Governor's Inaugural address, 2,000 copies in the English language, 1,000 copies in the Norwegian language, 1,000 copies in the German language, and 500 copies in the Swedish language.

J. W. DIXON, Secretary.

Mr. Russell moved that when the House adjourn it be until tomorrow morning at 10 o'clock. Carried.

On motion of Mr. Close, the House adjourned.

HALL HOUSE OF REPRESENTATIVES, DES MOINES, }
January 17, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Wetmore.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has concurred in the House amendment to the Senate resolution relative to the printing of the rules of the two Houses.

J. W. DIXON, Secretary.

PETITIONS.

Mr. Knox presented a petition from Mr. J. S. Hackwith, and other citizens of Wapello county, asking for an increase in the compensation of County Recorders.

Referred to Committee on compensation of Public Officers.

Mr. Wilson of Jackson, presented a petition of E. C. Mears, and others, asking for the repeal of the prohibitory liquor law and the enactment of a license law.

Referred to Committee on Suppression of Intemperance.

Mr. Bereman presented a petition from J. W. Millsbaugh, asking for compensation for military services in Colonel Morris' regiment of Missouri.

Referred to Committee on Claims.

Mr. Runyan presented a petition from the Board of Supervisors of Benton county, asking for an amendment to Section 307, of Revision of 1860.

Referred to Committee on County and Township Organizations.

Mr. Runyan also presented a similar petition asking for an amendment to Section 710, part 4th, of Revision of 1860.

Referred to same Committee.

REPORTS OF COMMITTEES.

The Committee on Claims presented the following report and accompanying bill:

House File No. 42, A bill for an act making appropriation for two Lawson Heaters, Registers and Pipes furnished and put up in the Capitol Building.

The Committee on Claims to whom was referred the claims of Fuller, Warren & Co., for eighteen hundred dollars, the original contract price, and one hundred and two dollars extra work and material furnished for furnishing two Lawson Heaters, pipes and registers, and putting up the same in the Capitol building, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to this House with the accompanying bill and recommend its passage.

L. CLARK, Chairman.

The bill reported by the Committee on Claims was read a first and second time.

On motion of Mr. Clark, the rule was suspended and the bill read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leflingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—93.

Absent, not voting, Messrs. Abernethy, Darwin, Holden, Sipple, Stockin—5.

So the bill passed, and the title was agreed to.

The Committee on Military Affairs presented the following report:

The Committee on Military Affairs to whom was referred the claims of the Alton & Chicago Railroad against the State of Iowa for transporting Iowa Volunteers, amounting to \$18.18, have had the same under consideration and have instructed me to report the same back to the House with the recommendation that it be referred to the Committee on Claims, and that it be allowed.

S. L. GLASGOW, Chairman.

The report of the Committee was concurred in, and the reference made.

The Committee on Military Affairs presented the following report:

Your Committee on Military Affairs, to whom the preamble and resolutions relating to the 37th Iowa Volunteer Infantry were referred, have had the same under consideration and have instructed me to report the same back to the House, with the recommendations that they be adopted.

S. L. GLASGOW, Chairman.

The report of committee was received and the concurrent resolution adopted.

The same committee presented the following report:

Your Committee on Military Affairs, to whom was referred the petition of S. L. Glasgow asking relief for one Perry Hillis, have had the same under consideration and ask leave to report that in the opinion of the committee the said Perry Hillis is entitled to the sum of sixteen dollars per month, from the 6th day of September, 1862, the day on which he received his injuries, to the 8th

day of August, 1865, the day on which the regiment in which he enlisted was discharged, making a total of five hundred and sixty dollars, and recommend that the same be allowed and that the original petition together with this report be referred to the "Committee on Claims."

S. L. GLASGOW, Chairman.

The report of the committee was adopted and the papers referred as recommended.

The same committee offered the following report, which was adopted and reference made as recommended.

The Committee on Military Affairs, to whom was referred the claims of Adjutant General N. B. Baker for commutation of fuel and rooms, amounting to \$494.63, have had the same under consideration and have instructed me to report the same back to the House with the request that it be referred to the Committee on Claims, and with the recommendation that the claim be allowed.

S. L. GLASGOW, Chairman.

The Committee on Railroads offered the following report, which was concurred in :

I am instructed by the Committee on Railroads to report the following resolution to the House, and ask its adoption.

SHERMAN, Chairman.

Resolved, That the Committee on Railroads have authority to order printed such bills referred to them from time to time, as they may deem of sufficient importance.

The Committee on Judiciary offered the following report :

The Committee on the Judiciary, to whom was referred House File No. 27, A bill for an act to punish attempts to commit offenses prohibited by law, have had the same under consideration, and they have instructed me to report the same back to the House and recommend its passage.

WM. HALE, Chairman.

The same Committee offered the following report, which was concurred in, and the reference made as recommended.

The Committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of increasing the compensation of witnesses and jurors in civil and criminal cases, have had the same under consideration, and they have instructed me to report the same back to the House with request that it be referred to the Committee on Compensation of Public Officers.

WM. HALE, Chairman.

RESOLUTION LAID OVER UNDER RULE 34.

The following resolution of Mr. Sherman, offered yesterday, and laid over under the rule, was taken up and adopted :

Resolved, That the Secretary of State be requested to furnish

copies of reports of Railroad Companies of this State, made under provisions of Section 3, Chapter 159, laws of 1862, for the years 1864, and 1865, and to report the names of companies that have failed to comply with the provisions of that Section.

INTRODUCTION OF BILLS.

Mr. Finkbine introduce House File No. 43, A bill for an act providing for the taxation of the property of Railroad Companies.

Read a first and second time and referred to Committee on Ways and Means and ordered printed.

Mr. Martin introduced House File No. 44, A bill for an act authorizing Justices of the Peace to employ a clerk in certain cases.

Read a first and second time and referred to Committee on Compensation of Public Officers.

Mr. Bereman introduced House File No. 45, A bill for an act to authorize Clerks of the District Court to enter satisfaction of mortgages in certain cases.

Read a first and second time and referred to the Committee on the Compensation of Public Officers.

Mr. Dashiell introduced House File No. 46, A bill for an act to regulate the practice in relation to suits for divorce.

Read a first and second time and referred to Committee on Judiciary.

Mr. Conway introduced House File No. 47, A bill for an act to amend the Estray Law.

Referred to Committee on Agriculture.

Mr. McNutt introduced House File No. 48, A bill for an act to repeal Sections 6, 7, 8, 9, 10, and 11, of Chapter 102, of the acts of Ninth General Assembly.

Read a first and second time and referred to Committee on Agriculture.

Mr. Landes introduced House File No. 49, A bill for an act providing compensation for Attorneys in State cases.

Read a first and second time and referred to Committee on Judiciary.

Mr. Leffingwell introduced House File No. 50, A bill for an act requiring Railroad Companies to build good and lawful fences on both sides of the road wherever the road passes through improved lands.

Read a first and second time and referred to Committee on Agriculture.

Mr. Wilson of Dubuque introduced House File No. 51, A bill for an act concerning the limitation of actions.

Read a first and second time and referred to Committee on Judiciary.

Mr. Morgan introduced House File No. 52, A bill for an act to

amend Chapter 46, Article 1, of Revision of 1860, in relation to laying out and establishing county roads.

Read a first and second time and referred to Committee on Roads and Highways.

Mr. Ballinger introduced House File No. 53, A bill for an act authorizing the employment of clerks in criminal examinations before Justices of the Peace.

Read a first and second time and referred to Committee on Compensation of Public Officers.

RESOLUTIONS.

Mr. Tracy offered the following Joint Resolution which was adopted :

Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be and are hereby instructed, and our Representatives requested to use their influence to secure as soon as practicable the establishment of the following mail route and mail facilities, to-wit: From Marshalltown, in Marshall county, Iowa, to New Hartford, in Butler county, Iowa, via Vienna, Wolf Creek Grove, Fifteen Mile Grove, and Grundy Centre.

Mr. McPherson offered the following resolution :

Resolved by the House of Representatives, the Senate concurring, That there be a committee of two on the part of the House and one on the part of the Senate to visit the Blind Asylum located at Vinton, to inquire into the needs and wants, if any, and condition of the same and to report at their earliest convenience.

On motion of Mr. Close, the resolution was laid on the table.

Mr. Crawford offered the following resolution, which was referred to Committee on Constitutional Amendments:

Resolved, That the Committee on Constitutional Amendments be instructed to report at as early a day as practicable an efficient law for the registration of voters, and also in connection therewith, to consider the propriety of striking out of article —, on suffrage, the word sixty and inserting twenty instead.

Mr. Williams, of Des Moines, offered the following resolution, which was adopted :

Resolved, That all bills hereafter introduced in this House, shall express in their title the subject matter to which they relate.

Mr. Finkbine offered the following resolution, which was adopted :

Resolved, That the Chief Clerk be and is hereby authorized to procure such articles of stationery as may be necessary for the use of this House and not kept on hand by the Secretary of State.

Mr. West offered the following resolution :

Resolved, That the Speaker of this House be requested to appoint an additional Standing Committee to be known as the Committee on Commerce, of which Mr. Finkbine, of Johnson, shall be Chairman.

Mr. Finkbine moved that the name of Mr. Finkbine be stricken out of the resolution.

Mr. Bereman moved to add, "provided he will serve as a member of such committee."

The amendment to the amendment was lost. The amendment was lost, and the resolution adopted.

Mr. Dudley moved that Mr. Finkbine be excused from serving on the Committee of Commerce.

The motion prevailed.

Mr. Rogers offered the following resolution, which was adopted :

Resolved, That there be added to the Standing Committees of the House, a Committee on the Iowa Soldiers' Orphans' Home, and the Speaker be requested to appoint such committee.

Mr. Flanders offered the following preamble and resolution :

WHEREAS, The practice of smoking in this hall is indecent and ungentlemanly ; therefore be it

Resolved by the House of Representatives, That any member of this House who shall hereafter smoke within this Hall, either before, during, or after the daily sessions of the House, shall be deemed guilty of a breach of decorum and be liable to be reprimanded by the Chair.

On motion of Mr. Garber the resolution was laid on the table.

Mr. Dudley offered the following resolution, which was referred to Committee on Constitutional Amendments :

Resolved by the House of Representatives, That the Committee on Constitutional Amendments be instructed to report at an early day an efficient registry law, by which every legal voter will be registered not less than ten days before our annual election each year.

Mr. McPherson offered the following resolution, which was adopted :

Resolved, That the Chief Clerk be requested to furnish the members of this House with pen knife and eraser.

Mr. Bennett offered the following resolution, which was adopted :

Resolved, That the Judiciary Committee be instructed to inquire into, and report to this House by bill or otherwise, what additional legislation, if any, is necessary, to provide for the taxation for State and county purposes of National Banks and stock owned therein.

Mr. Wilson of Dubuque, offered the following resolution, which was adopted :

Resolved, That the Attorney General be requested to give to the House of Representatives his opinion whether there is any law now in force providing for the salaries of the Judges of the Supreme Court, and also whether there exists any constitutional impediment to the passage of an act by the present General Assembly giving the said Judges a greater salary than that which they now receive.

Mr. Safely offered the following resolution, which was adopted :

Resolved by the House of Representatives of the State Iowa, That the Committee on Common Schools, be instructed to inquire into the expediency of so amending that portion of the Common School Law, (Section 8,) which provides for the annual election of Sub-directors, that the term of office shall be two years, and one half of the members of the District Township Board shall be elected annually, and that the Committee report to this House by bill or otherwise.

Mr. Knapp introduced the following concurrent Resolution, which was adopted :

Resolved, by the House of Representatives, the Senate concurring, That our Senators and Representatives in Congress be requested to use their utmost exertions to procure the establishment of a tri-weekly mail from Iowa Falls, Hardin county, to Mason City, Cerro Gordo county, via Maysville and Hampton, Franklin county.

Mr. Tisdale offered the following resolution, which was adopted :

Resolved, That the Committee on Judiciary be instructed to inquire whether further legislation is not necessary to prevent the stealing of timber, and if they shall find such legislation necessary, to report a bill for the same to this House at as early a day as practicable.

MESSAGE FROM THE SENATE.

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has adopted a concurrent resolution relative to the hours during which the Capitol post-office shall be kept open, which is herewith submitted, and in which the concurrence of the House is asked.

J. W. DIXON, Secretary.

Resolved by the Senate, the House of Representatives concurring, That the Capitol post-office shall be kept open for the reception and delivery of mail matter from eight o'clock A. M. until six o'clock P. M. on each day of the week, except Sabbath, on which day it shall be kept open from eight until ten o'clock A. M., and from two until four o'clock P. M.

MESSAGES ON SPEAKER'S TABLE.

The House took up the Senate substitute for the joint resolution from the House ratifying the amendment to the Constitution of the United States forever abolishing slavery, and upon the adoption of the same the yeas and nays were ordered, and were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown

of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Waldert, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—95.

Absent or not voting, Messrs. Darwin, Holden and Stockman.

So the Joint Resolution was adopted.

The resolution of the Senate relative to the hours of opening and closing the post office of the General Assembly was also concurred in.

Mr. Burnett moved that the House proceed to the consideration of House File No. 4, A bill for an act to legalize the action of the Board of Directors of the Independent District of the city of Muscatine, in the county of Muscatine and State of Iowa.

The motion prevailed, and the bill was taken up.

The question, "Shall the bill be engrossed for the third reading," was decided in the affirmative.

Mr. Burnett moved that the rule be suspended and the bill considered engrossed, and read a third time now.

The motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were, Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Graves, Griffith, Hale, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—91.

Absent, not voting, Messrs. Barnes, Belt, Darwin, Goodrich, Holden, Leffingwell, and Stockman—7.

So the bill was passed and the title was agreed to.

Mr. Russell offered the following resolution, which was adopted:
Resolved by the House of Representatives, That the Governor of the State be requested to order the firing of a national salute on Capitol Hill this afternoon, in honor of the adoption by Iowa of the Constitutional Amendment forever abolishing slavery.

Mr. Hale moved that when the House adjourn, it be to 10 o'clock to-morrow.

On motion of Mr. Barker, the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
 DES MOINES, Jan. 18, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Dr. Peet.

Journal of yesterday read and approved.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor, in reply to the resolution offered by Mr. Thomson, relative to the number of men furnished by Iowa for the National Army, was received by his Private Secretary, Mr. North:

EXECUTIVE OFFICE, Iowa, January 18, 1866.

To the Honorable House of Representatives:

Acknowledging the receipt of your resolution, adopted on the 16th inst., calling for information as to the number of men credited to the State of Iowa under the one year system of credits at the time the draft was ordered during the summer of 1864, and also, what the quota of our State was (inclusive of all calls) at the time the draft above referred to was ordered, I have the honor to respectfully reply as follows:

The precise number of men furnished by this State prior to October, 1863, cannot be ascertained from any data in my possession, which is owing to the fact that from the beginning of the war up to that date, the Government kept no account with counties, townships or wards, and the State records give only the counties and post-office address of volunteers. Prior to the Enrollment Act of March, 1863, men were enlisted with reference to sub-districts, and credited to the State at large only. A large number of men from Iowa enlisted in regiments formed in other States, of which we have never been able, even by the utmost exertions, to obtain full and complete credits.

Prior to the July call of 1864, we have no record of one year recruits from this State, as all our men up to that date, except the first regiment of infantry, volunteered for the full term of three years. Our excess up to that time, under previous calls, reckoned at their equivalents in three years' men, amounted in the aggregate, to a little over 10,000, while our quota under the July call of 1864 was something over 15,000, leaving us deficient 5,000, which, under the President's Proclamation, this State was required to furnish; and, in addition to this, we were charged with the delinquent sub-districts under prior calls, making nearly 8,000 demanded of us at that time. I visited Washington in the latter part of August for the purpose of obtaining a graduation of our three-years excesses, so as to have them counted to us as one year units. This request was refused at that time, upon the ground that such was the necessity for recruiting the wasted ranks of the army, in order that the vast military operations then in progress might be successfully prosecuted, the full number of men called for must be furnished; but I was promised that, under a subsequent call, this graduation should be made. In the month of January, pending the call of December 18th, 1864, I succeeded in procuring this allowance to be made, which, together with the one-year recruits obtained by draft and voluntary enlistments, more than filled the quota, assigned us under that call.

I succeeded, however, in August, in obtaining a relinquishment of the demand for deficiencies against the delinquent sub-districts, before referred to, which reduced the aggregate number for which the draft was finally ordered in the several districts, to less than 4,000 men.

For further and more definite information on this subject, you are respectfully referred to the Adjutant General's report for 1865.

W. M. STONE.

On motion of Mr. Russell, the regular order of business was suspended, and the message read, and ordered printed.

PETITIONS.

Mr. Van Leuven presented a petition from Wm. Fisher and others, asking for a change in the incorporation law.

Referred to Committee on Incorporations.

REPORTS OF COMMITTEES.

The Committee on Judiciary presented the following report:

The Committee of Judiciary to whom was referred House File No. 29, Entitled an act to protect the earnings of married women, have had the same under consideration and authorized me to re-

port the accompanying bill as a substitute, with the recommendation that the same be passed.

T. S. WILSON.

The Committee on Ways and Means submitted the following report :

MR. SPEAKER :—The Committee on Ways and Means to whom was referred House File No. 17, have had the same under consideration, and have instructed me to report the same back with the recommendation that it be indefinitely postponed.

FINKBINE, Chairman.

The Committee on Ways and Means presented the following report :

The Committee on Ways and Means have had under consideration House File No. 20, A bill for an act to amend Section 710 of the Revision of 1860, in relation to bridge tax, and have instructed me to report the same back recommending that the words "three mills" in the seventh line of Section 1, be stricken out, and the words "two mills" be inserted. Also, that the word "repealed" in the sixth line of said Section be stricken out, and the words "stricken out" inserted.

FINKBINE, Chairman.

The Committee on Roads and Highways presented the following report :

The Committee on Roads and Highways to whom was referred the petition of J. S. Butler and others, asking for the vacating of certain alleys and streets in the village of Springville, Linn county, Iowa, have had the same under consideration, and have instructed me to report that in the opinion of the Committee, the laws now in force extend to the petitioners the remedy asked for. Therefore, the Committee direct me to report the same back with the recommendation that no further action is necessary.

All of which is respectfully submitted.

GEO. M. MAXWELL, Chairman.

The same Committee presented the following report :

The Committee on Roads and Highways to whom was referred House File No. 36, have had the same under consideration and instructed me to report the same back with a substitute, and to recommend that the substitute pass.

MAXWELL, Chairman.

The Committee on Agriculture presented the following report :

MR. SPEAKER :—The Committee on Agriculture to whom was referred House File No. 48, A bill for an act to repeal Sections 6, 7, 8, 9, 10, and 11, of Chapter 102, of the acts of the Ninth General Assembly, had the same under consideration and have instructed me to report the same back to the House with a recommendation that it do not pass.

H. M. THOMSON, Chairman.

The Committee on Roads and Highways to whom was referred

House File No 31, A bill for an act to amend Section 885, of the Revision of 1860, in relation to poll tax, have had the same under consideration, and have instructed me to report that inasmuch as the Committee are of the opinion that the laws now in force are judicious in these enactments, that therefore, the Committee recommend that the bill do not pass.

All of which is respectfully submitted.

GEO. M. MAXWELL, Chairman.

The Committee on Incorporations presented the following report :

Your Committee to whom was referred House File No. 9, A bill for an act to promote the collection and assessments of Cities and Towns, have had the same under consideration, and instruct me to report that in the opinion of the Committee the bill is informal and will not accomplish the purpose sought, and respectfully asks that the mover may be allowed to withdraw the same.

H. B. WILLIAMS, Chairman.

Report of Committee was concurred in and the bill withdrawn.

The Committee on Printing presented the following report :

The Committee on Printing to whom was referred House File No. 14, entitled an act to provide for the printing and distribution of the Governor's Biennial Message, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

SAMUEL McNUTT, Chairman.

RESOLUTIONS LAID OVER UNDER THE RULE.

The following resolution offered yesterday by Mr. Wilson of Dubnque, was taken up :

Resolved, That the Attorney General be requested to give to the House of Representatives his opinion whether there is any law now in force providing for the salaries of the Judges of the Supreme Court, and also, whether there exists any constitutional impediment to the passage of an act by the present General Assembly giving the said Judges a greater salary than that which they now receive.

Mr. Sapp moved to amend by inserting after the words "Judges of the Supreme Court," "and Judges of the District Courts."

The motion to amend prevailed, and the resolution as amended was adopted.

INTRODUCTION OF BILLS.

Mr. Gamble introduced House File No. 54, A bill for an act providing for a change of venue in preliminary examinations before a Justice of the Peace.

Read a first and second time and referred to Committee on Judiciary.

Mr. Thomson introduced House File No. 55, A bill for an act to change the manner of electing Township Trustees, and the length of time they shall remain in office.

Read a first and second time and referred to Committee on County and Township Organization.

Mr. Rogers introduced House File No. 56, A bill for an act to amend the law in relation to the competency of witnesses.

Read first and second times and referred to Committee on Judiciary.

Mr. Wilson, of Dubuque, introduced House File No. 57, A bill for an act to authorize the Board of Supervisors to compromise certain judgments in favor of the State.

Read first and second times and referred to Committee on Judiciary.

Mr. Bennett introduced House File No. 58, A bill for an act to amend Chap. 16 of the Revision of 1860.

Read first and second times.

Mr. Hale moved to suspend the rule and put the bill upon its passage.

Mr. McKean moved to refer to Committee on Judiciary.

Mr. Finkbine moved to amend the motion to refer, by requesting the committee to enquire into the expediency of passing a law providing for the limitation of the number of Notaries Public to be appointed in each county in proportion to the number of inhabitants, and providing further for the revocation of the commissions of all Notaries Public on a certain day.

Mr. Tracy moved to amend by striking out the clause limiting the number of Notaries Public.

The motion to amend was lost.

Mr. Finkbine's motion was lost.

The bill was referred to the Committee on Judiciary.

Mr. Brown, of Madison, introduced House File No. 59, A bill for an act to prevent the importation, running at large, and sale of horses being diseased with gleet or glanders.

Read first and second times, and referred to Committee on Agriculture.

RESOLUTIONS.

Mr. Sapp offered the following resolution :

Resolved, That the Secretary of State be directed to furnish to the members of this House the same amount of postage furnished to the members of the Senate.

Mr. Safely proposed to amend by striking out all after the word "resolved," and insert thereafter the words "all members who do not at present receive sufficient postage shall receive an additional dollar in stamps."

Mr. Rogers moved the previous question, which was seconded,

and the question "Shall the main question be now put," was decided in the affirmative.

The question being upon Mr. Safely's amendment, it was lost.

The question recurring upon the original resolution, the yeas and nays were ordered, and were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Conway, Crawford, DeForest, Dudley, Fellows, Fry, Gamble, Gaylord, Gary, Garber, Glasgow, Goodrich, Hale, Hand, Huggins, Joy, Knox, Leffingwell, Martin, Maxwell, McPherson, McNutt, McCullough, Mills, Olmstead, Palmer, Runyan, Ryan, Sapp, Sipple, Tracy, Thorn, Van Leuven, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall—55.

The nays were Messrs. Bereman, Bennett, Brown of Winneshiak, Clark, Close, Comfort, Dashiell, Dwelle, Emery, Finkbine, Flanders, Garrett, Graves, Griffith, Knapp, Landes, Linderman, Lowdon, McLaughlin, McKean, Morgan, Poindexter, Rogers, Rohlf, Russell, Safely, Serrin, Sherman, Thacher, Travis, Tisdale, Thomson, Walden, West, Wilson of Jackson, Williams of Winneshiak, Mr. Speaker—37.

Absent and not voting, Messrs. Darwin, Godfrey, Holmes, Holden, O'Brien and Stockman—6.

The resolution was adopted.

By leave, Mr. Poindexter introduced House File No. 60, A bill for an act to amend Section 4220, of Chapter 165, of the revision of 1860.

Read first and second time, and referred to Committee on Judiciary.

Mr. Maxwell introduced the following resolution, which was adopted :

Resolved, That the Committee on Printing be instructed to inquire what steps are necessary to procure the publication of the Governor's biennial message and inaugural address, into the several languages into which it has been ordered to be published by this House, and report by bill or otherwise.

Mr. Hale introduced the following resolution, which was adopted :

Resolved, That the Committee on Agriculture be instructed to inquire into the expediency of enacting a law regulating the quantity of toll to be charged or taken by grist and flouring mills in this State, and to report by bill or otherwise.

Mr. Rogers offered the following resolution, which was laid over under the rule :

Resolved, That the order of business of the day as fixed by Rule 10th, be changed so as to place "Bills and resolutions read a second time," fourth instead of seventh on the list, and "Bills on

their passage," fifth instead of eighth on the list, and that the numbers of the other classes of business be changed so as to make them conform to this resolution.

Mr. Clark moved that when the House adjourn it be until to-morrow morning, at ten o'clock. Carried.

Mr. McNutt offered the following resolution :

Resolved by the General Assembly of the State of Iowa, That the Secretary of State be instructed to furnish the members of the present General Assembly, the President, Secretary, and Clerk of the Senate, the Clerks of the House of Representatives, and the Reporters, Postmasters, and Sergeant-at-Arms of both branches of this General Assembly, with a copy of all the reports of the Supreme Court of this State, now on hand, or which shall be published during the present term of office of the members of this General Assembly.

McNUTT, Muscatine County.

Mr. Emery moved to adjourn. Lost.

Mr. Bereman moved to amend by adding, "Provided that the sum of four dollars be paid for each volume of such reports, by each person receiving them." Lost.

Mr. Williams, of Winneshiek, moved the previous question, which was seconded, and the question "Shall the main question be now put," was decided in the affirmative.

On the passage of the resolution the yeas and nays were demanded, and were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Boomer, Bolter, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Close, Conway, Dudley, Emery, Fellows, Flanders, Fry, Gamble, Gaylord, Gary, Garber, Glasgow, Goodrich, Graves, Hale, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Martin, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Rohlf, Russell, Ryan, Scrin, Sipple, Tracy, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—66.

The nays were Messrs. Belt, Bereman, Bennett, Brown of Decatur, Burnett, Clark, Comfort, Crawford, Dashiell, DeForest, Dwelle, Finkbine, Garrett, Griffith, Linderman, Lowdon, McLaughlin, Poindexter, Rogers, Runyan, Safely, Sherman, Thacher, Travis, Wilson of Jackson—25.

Absent and not voting, Messrs. Barker, Carbee, Darwin, Godfrey, Holden, Sapp and Stockman—7.

So the resolution was adopted.

On motion of Mr. Buck the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, January 19, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Gaston.

Journal of yesterday read and approved.

The resolution concerning a change of county government being the special order for the hour, Mr. McNutt moved to postpone the special order until next Tuesday at 10 o'clock. Carried.

PETITIONS.

Mr. McNutt presented a petition from Alexander Clark and others, members of the First Iowa (colored) Regiment, praying for an amendment to the Constitution to allow colored persons the right of suffrage. Laid on the table.

The same gentleman presented a similar petition from colored citizens of Muscatine county; also a similar petition from Jacob Butler and 236 others. Laid on the table.

Mr. Gary presented a petition from David Duncan and others asking for the repeal of Sections 1 and 2 of Chap. 143 of Revision of 1860, concerning the manufacture of wine and beer.

Referred to Committee on Suppression of Intemperance.

Mr. Wilson, of Jackson, presented a petition and resolution from the Board of Supervisors of Jackson county concerning the Maquoketa river.

Referred to Committee on Commerce.

Mr. Burnett presented a petition from S. L. Burnham and others asking for the passage of an act requiring officers of the State to subscribe to an oath that they will not use intoxicating beverages during their term of office.

Referred to Committee on Constitutional Amendments.

Mr. Burnett presented a memorial from Hon. R. P. Lowe and other officers of the Iowa Soldiers' Orphans' Home.

Read and referred to Committee on Soldiers' Orphans' Home.

On motion of Mr. McCullough Mr. McPherson was excused from attendance until next Tuesday.

REPORTS OF COMMITTEES.

The Committee on Military Affairs offered the following report:
Your Committee on Military Affairs to whom was referred the petition of Adjutant-General N. B. Baker, claiming compensation for services as Acting Quartermaster-General, have had the same under consideration and have instructed me to report the same back to the House with the recommendation that N. B. Baker be al-

lowed compensation for such services, at the rate of \$300 per annum from the 25th of July, 1861, to the 18th of January, 1866, amounting to \$1,340.

S. L. GLASGOW, Chairman.

On motion of Mr. Glasgow, the claim was referred to Committee on Ways and Means, with instructions to include the amount in the general appropriation bill.

The Committee on Claims offered the following report which was received and reference made as recommended :

The Committee on Claims to whom was referred the claim of Adjutant-General N. B. Bakér, for commutation of fuel and rooms, amounting to \$494.63, beg leave to report that they have had the same under consideration and have instructed me to report the same back to this House with the recommendation that the same be allowed, and that said claim be referred to the Committee on Ways and Means with instructions to make provisions for the payment of the same in the general appropriation bill.

J. D. GAMBLE.

The Committee on Claims presented the following report :

The Committee on Claims to whom was referred the claim of the Chicago and Alton Railroad Company for transportation of Iowa Volunteers, amounting to \$18.18, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to this House with the recommendation that said claim be allowed, and that said claim be referred to the Committee on Ways and Means, with instructions to make provisions for the payment of the same in the general appropriation bill.

J. D. GAMBLE.

The report of the Committee was concurred in.

The Committee on County and Township Organization offered the following report which was concurred in :

The Committee on County and Township Organization to whom was referred House File No. 32, A bill for an act providing that County Judges shall keep a fee book, have directed me to report the same back, recommending that it be referred to the Committee on Judiciary.

RUNYAN, Chairman.

The Committee on County and Township Organization presented the following report :

The Committee on County and Township Organization to whom was referred House File No. 55, A bill for an act to change the manner of electing Township Trustees, and the length of time they shall remain in office, have directed me to report it back recommending its passage.

RUNYAN, Chairman.

The Committee on Ways and Means presented the following report :

MR. SPEAKER:—The Committee on Ways and Means to whom was referred House File No. 41, "A bill for an act to authorize the Board of Supervisors of the several counties in this State to appropriate a portion of the relief fund of their respective counties, to the payment of the county indebtedness," have had the same under consideration, and have instructed me to report the same back to the House, recommending its indefinite postponement, its purposes in their opinion being reached by the provisions of House File No. 35.

FINKBINE, Chairman.

The Committee on Ways and Means, presented the following report :

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred House File No. 35, "A bill for an act to amend Chapter 89, of acts of the Tenth General Assembly" have had the same under consideration, and have instructed me to report the same back to this House, recommending its passage.

FINKBINE, Chairman.

The Committee on Claims presented the following report :

The Committee on Claims, to whom was referred the claim of Robert E. Ridley, for three hundred and twenty, (\$320.00) dollars for lumber furnished in the building of a stockade at Estherville, beg leave to respectfully report that they have had the bill under consideration, and have instructed me to report the same back to the House, and recommend that the sum of two hundred and sixty (\$260.00) dollars be allowed, and referred to the Committee on Ways and Means, with instructions that they provide for the payment of the same in a general appropriation bill.

HOWARD GRAVES, for Committee on Claims.

The report of the committee was concurred in, and the claim so referred.

The same committee presented the following report :

The Committee on Claims, to whom was referred the claim of R. A. Smith, of four hundred and fifty-two (\$452.00) dollars, for lumber furnished in building stockade at Spirit Lake, beg leave to report, that they have had the bill under consideration and have instructed me to report the same back to the House, and recommend that said claim be allowed, and that it be referred to the committee on Ways and Means, with instructions that the same be provided for in a general appropriation bill.

HOWARD GRAVES, for Com. on Claims.

Mr. Maxwell moved to refer the claim to a Select Committee, of which **Mr. Russell** should be Chairman.

Mr. Safely moved to recommit the claim to the Committee on Claims. Carried.

The Committee of Judiciary presented the following report :

The Committee on the Judiciary, to whom was referred House File No. 49, A bill for an act providing compensation for Attor-

neys in State case, has had the same under consideration and they have instructed me to report the same back to this House, and recommend that it do not pass.

WM. HALE, Chairman.

The same committee presented the following report :

The Committee on the Judiciary, to whom was referred House File No. 30, A bill for an act extending the powers of the Auditor of State, have had the same under consideration, and they have instructed me to report the same back to this House, with the recommendation that it do pass.

WM. HALE, Chairman.

The same committee presented the following report :

The Committee on the Judiciary to whom was referred the preamble and resolutions of the Board of Supervisors of Johnson County in relation to giving owners of property notice of the assessed value of their property before the June meeting of the Board in each year, have had the same under consideration, and they have instructed me to report the same back to the House, with a request that it be referred to the Committee on Ways and Means.

WM. HALE, Chairman.

The same committee presented the following report :

The Committee on Judiciary to whom was referred the petition of the citizens of Henry county praying for the passage of a law to prevent incorporated towns from levying and collecting city taxes on farms or lands lying within the corporate limits of such cities and not laid out in town lots, have had the same under consideration and they have instructed me to report the same back to the House and recommend that the prayer of the petitioners be not granted, inasmuch as what they desire is now the well settled law on that subject.

WM. HALE, Chairman.

The same Committee presented the following report :

The Committee on Judiciary to whom was referred House File No. 19, A bill for an act to amend the law in reference to the execution of judgments for the foreclosure of mortgages, have had the same under consideration, and they have instructed me to report the same back to the House, with a recommendation that it do pass.

WM. HALE, Chairman.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed Senate File No. 4, A bill for an act to provide for the early distribution of certain laws, in which the concurrence of the House is respectfully asked.

JAMES M. WEART, Asst. Secretary.

RESOLUTIONS LAID OVER.

The following resolution offered yesterday by Mr. Rogers, was taken up.

Resolved, That the order of business of the day, as fixed by rule 10th, be changed so as to place "bills and resolutions read a second time," 4th instead of 7th on the list, and "bills on their passage" 5th instead of 8th on the list, and that the numbers of the other classes of business be changed so as to make them conform to this resolution.

Mr. Fry moved to amend by striking out all after the word "resolved" and inserting thereafter the words "That the order of business shall be taken up every morning where the House left off each preceding adjournment."

The amendment prevailed, and the resolution as amended, was adopted.

INTRODUCTION OF BILLS.

Mr. Bolter introduced House File No. 61, A bill for an act to provide for the collection of taxes by township collectors.

Read first and second time.

Mr. Knox moved to lay the bill on the table. Lost.

Mr. Boomer moved to refer to the Committee on Ways and Means, and print.

Mr. Bereman called for a division of the question, and the motion to refer prevailed.

The motion to print prevailed.

Mr. Clark introduced House File No. 62, A bill for an act to amend, and explanatory of Section 1, Chapter 118, of the Acts of the Tenth General Assembly, approved March 19, 1864.

Read first and second time, and referred to the Committee on Judiciary.

Mr. Bolter introduced House File No. 63, "A bill for an act to secure to certain persons, residents of Harrison County their homes at the price of \$1.25 per acre, of lands known as the excess 500,000 acre grant."

Read a first and second times, and referred to Select Committee of Messrs. Bolter, Sapp and Comfort.

Mr. Mills introduced House File No. 64, A bill for an act to change the number and manner of electing County Supervisors.

Read a first and second times, and referred to Committee of County and Township Organization, and ordered printed.

Mr. Wilcox introduced House File No. 65, A bill for an act to amend Chapter 159, laws of 1862, entitled an act to require officers of Railroad Companies to reside within the State, and defining their duties, approved April 8th, 1862.

Read a first and second times, and referred to Committee on Railroads.

Mr. Glasgow introduced House File No. 66, "A bill for an act to provide for the distribution of the Adjutant General's report of January 1st, 1866.

Read a first and second time, and on motion of Mr. Rogers, referred to Committee on Printing.

Mr. Poindexter introduced House File No. 67, A bill for an act to amend Section 768 of Chapter 45, of the revision of 1860.

Read a first and second time, and referred to Committee on Ways and Means.

Mr. Sapp moved that when the House adjourn it be until to-morrow morning at 9 $\frac{1}{2}$ o'clock.

Mr. Thomson moved to amend by striking 9 $\frac{1}{2}$ and inserting 9.

Mr. Rogers moved to amend the amendment by striking out 9 and inserting 10.

The amendment to the amendment prevailed.

Mr. Gamble moved to amend by striking out "to-morrow morning" and inserting Monday morning. Lost.

The motion as amended prevailed.

By leave, Mr. Hale introduced the following resolution :

Resolved by the House of Representatives, the Senate concurring, That the Joint Committee appointed to investigate the alleged diversion of the Swamp Land Indemnity Fund, be and the same is hereby empowered to have the testimony taken before it, and such other matter as it may deem proper, printed at any time it may deem proper to do so.

Mr. Hale moved to amend by adding "and that 1,000 copies be printed for the use of the General Assembly.

Mr. Rogers moved to amend the amendment by striking out "1,000," and inserting "500."

Mr. Poindexter moved the previous question, which was seconded, and the question "shall the main question be now put," was decided in the affirmative.

The question being upon the motion of Mr. Rogers, it was lost. The question recurring upon the amendment of Mr. Hale, it carried.

The resolution was adopted.

Mr. Clark presented the claim of Des Moines Coal Company for \$78.96.

Referred to Committee on Claims.

Messrs. Abbott, Serrin, and Brown of Madison, were granted leave of absence until Tuesday.

Mr. Gaylord presented a preamble and Joint Resolution of the General Assembly of the State of Iowa, to the Congress of the United States, in relation to Public Lands granted for the construction of certain Railroads.

Referred to a select Committee, consisting of Messrs. Tisdale, Leffingwell, Gaylord, Brown of Winneshiek, and Joy.

APPOINTMENT OF COMMITTEES.

The Speaker appointed the following standing Committees in accordance with instructions of resolution:

On Commerce—Wilcox, Williams of Winneshiek, Dudley, West, O'Brien, Goodrich, and Burnett.

Iowa Soldiers' Orphans' Home—Messrs. Burnett, Thomson, Barnes, Sipple, Abernethy, Walden, and Bereman.

On motion of Mr. Thomson, the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, {
DES MOINES, Jan. 20, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. A. D. Kellison.

Journal of yesterday read and approved.

Mr. Bolter moved to reconsider the vote by which the report of the Committee on the alleged diversion of the Swamp Land Indemnity Fund was ordered printed. Lost.

Mr. Gamble asked, and obtained leave of absence for Mr. Van-Leuven for one week.

Mr. Sherman moved to reconsider the motion by which the report of the Military Committee, on the claim of N. B. Baker as Acting Quartermaster-General of Iowa was referred to the Committee on Ways and Means with instructions. Carried.

The motion then recurring upon the motion of Mr. Glasgow to refer the claim to the Committee on Ways and Means with instructions.

Mr. Maxwell moved to amend by referring the claim to that committee without instructions, which amendment was accepted.

Mr. Dashiel moved to amend by striking out "Ways and Means," and inserting "Military Affairs."

Mr. Sapp moved to amend the amendment by referring the whole subject to the Committee on Compensation of Public Officers.

The amendment to the amendment prevailed.

The amendment as amended was adopted.

The reference as amended was adopted.

SPECIAL ORDER.

The following resolution, introduced by Mr. Sherman, was taken up:

Resolved, That the House hold but one session on each day, and that House rule No. 41 be amended to read "The hour to which the House shall stand adjourned from day to day shall be ten o'clock A. M., unless otherwise ordered."

Mr. Tracy moved to lay the resolution on the table. Carried.

INTRODUCTION OF BILLS.

Mr. Hand introduced House File No. 68, A bill for an act to repeal Section 14, of Chapter 148, of the laws of the Ninth General Assembly of the State of Iowa.

Read first and second time, and referred to Committee on Schools.

Mr. Walden introduced House File No. 69, A bill for an act making provision for the settlement of all liabilities of the State or State University growing out of the sale of certain lands in Appanoose county sold as saline lands.

Read first and second time, and referred to Committee on Public Lands.

Mr. McCullough introduced House File No. 70, A bill for an act relating to persons who are liable to work the roads.

Read first and second time, and referred to Committee on Roads and Highways.

Mr. Sapp introduced House File No. 71, A bill for an act regulating appeals to the Supreme Court in certain cases.

Read first and second time, and referred to Committee on Judiciary.

Mr. Brown of Louisa introduced House File No. 72, A bill for an act to prevent the spreading of contagious diseases among swine.

Read first and second time, and referred to Committee on Agriculture.

Mr. Fry introduced House File No. 73, A bill for an act to amend Section 312, of the Revision of 1860, in relation to building bridges.

Read first and second time, and referred to Committee on County and Township Organization.

Mr. Leffingwell introduced House File No. 74, A bill for an act to amend an act entitled Common Schools.

Read first and second times, and referred to Committee on Schools.

Mr. Wilson, of Jackson, introduced House File No. 75, A bill for an act to amend Sec. 3362 of the Revision of 1860 in relation to administering oaths to appraisers.

Read first and second times, and referred to Committee on Judiciary.

Mr. Conway introduced House File No. 76, A bill for an act to amend Chap. 28 Revision of 1860 in reference to County Surveyors.

Read first and second times, and referred to Committee on Judiciary.

Mr. Brown of Winneshiek, introduced House File No. 77, A bill for an act prohibiting persons from harboring estray animals without advertising the same.

Read first and second times, and referred to the Committee on Agriculture.

Mr. Sipple introduced House File No. 78, A bill for an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages and to procure and use seals.

Read first and second time, and referred to the Committee on Judiciary.

Mr. Comfort introduced House File No. 79, A bill for an act to amend Section 799, Revision of 1860, relating to registered letters, containing county treasurer's monthly report to the Auditor of State.

Read first and second time, and referred to the Committee on Ways and Means.

Mr. DeForest introduced House File No. 80, A bill for an Act to repeal Chapter 41 of the Acts of the Fifth General Assembly, entitled an act to encourage agriculture and mechanic arts in Johnson county, approved January 20th, 1855.

Read first and second time, and referred to the Committee on Agriculture.

RESOLUTIONS.

Mr. Flanders offered the following resolution, and moved its adoption:

Resolved by the House of Representatives, That the Select and Standing Committees of this House, in reference to such bills as have been already or may hereafter be referred to them, containing the name of the "Iowa Statesman" as one of the papers in which they are to be published before taking effect as laws, be instructed to strike out of all such bills, "Iowa Statesman," and insert "Iowa Homestead," before reporting any of said bills back to this House for passage.

Mr. Rogers moved the previous question, which was not seconded.

Mr. Fellows moved to postpone the consideration of the resolution until July 4th, 1866.

On this question the yeas and nays were demanded, and were as follows:

The yeas were Messrs. Alcorn, Ballinger, Barker, Bahl, Belt, Bennett, Brown of Decatur, Brown of Winneshiek, Buck, Burnett, Carbee, Crawford, DeForest, Dwelle, Emery, Fellows, Finkbine, Garrett, Garber, Holmes, Knox, Leffingwell, Lowdon, Martin, McPherson, McNutt, Mills, Morgan, O'Brien, Rogers, Runyan,

Russell, Safely, Sherman, Sipple, Thacher, Travis, Thomson, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Mr. Speaker—45.

The nays were Messrs. Abernethy, Abbott, Barnes, Bereman, Boomer, Bolter, Brown of Louisa, Brown of Van Buren, Clark, Close, Comfort, Conway, Dashiell, Dudley, Flanders, Fry, Gamble, Gaylord, Gary, Glasgow, Goodrich, Graves, Griffith, Hand, Huggins, Joy, Knapp, Landes, Linderman, McCullough, McLaughlin, McKean, Olmstead, Palmer, Poindexter, Rohlfis, Ryan, Sapp, Tracy, Tisdale, Thorn, West, Wilson of Marshall—43.

Absent and not voting, Messrs. Brown of Madison, Darwin, Godfrey, Hale, Holden, Maxwell, Serrin, Stockman, Van Leuven and Williams of Winneshiek—10.

So the further consideration of the resolution was postponed until July 4th, 1866.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to inform your Honorable Body that the Senate has passed House File No. 4, A bill for an act to legalize the action of the Board of Directors of the independent district of the city of Muscatine, in the county of Muscatine and State of Iowa, without amendment.

Also House File No. 42, A bill for an act making appropriation for two Lawson heaters, pipes and registers, furnished and put up in the capitol building, without amendment.

JAMES M. WEART, Ass't Secretary.

Mr. Brown, of Winneshiek, offered the following resolution, which was adopted :

Resolved, That the use of the Hall of the House of Representatives be granted to Dr. White, of Iowa City, on the 20th inst., at seven o'clock P. M., to lecture on geology.

Mr. Ballinger offered the following preamble and resolution, which was read, and on motion of Mr. Sapp indefinitely postponed :

WHEREAS, A bill has been introduced in the Congress of the United States to extend the elective franchise to freedmen of African descent residing within the limits of the District of Columbia ; and

WHEREAS, The people of said District have signified their earnest disapproval of the passage of said bill by an election held in the month of December, 1865, to test the will of the people as to the passage of the same ; now therefore be it

1st. *Resolved by the General Assembly of the State of Iowa*, That our Senators be instructed and our Representatives in Congress be requested to use their earnest efforts against the passage of any law extending the right of suffrage to African freedmen of said

District until the people of the said District shall have signified their approval of the passage of such law.

2d. That a copy of this preamble and resolutions be forwarded at once to each of our Senators and Representatives in Congress.

By leave, the Committee on Public Lands submitted the following report:

Your committee to whom was referred a petition of sundry citizens of Harrison County, praying for the privilege of making an entry of certain School Lands at the rate of one dollar and twenty-five cents per acre, have requested me to report the same back to the House and recommend its reference to the select Committee on the subject to which it refers, of which the gentleman from Harrison is Chairman.

RUSSELL, Chairman.

Report concurred in, and resolution referred to the Select Committee of Messrs. Bolter, Sapp and Comfort.

By leave, Mr. Finkbine, a petition from Christopher Miller, praying for the passage of a law, perfecting the title to certain lands.

Referred to Committee on Judiciary.

By leave, Mr. Bolter presented a petition from Daniel Brown and other citizens, praying for the passage of an act by which the title to certain lands may be perfected, on the payment of \$1.25 per acre.

Referred to Select Committee of Messrs. Bolter, Comfort and Sapp.

Mr. Ryan moved to adjourn until Monday at 10 A. M.

Mr. Burnett moved to amend by striking out "10" and inserting in line thereof "9." Lost.

The Motion of Mr. Ryan prevailed, and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, January 22, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Vernon.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the Senate has passed House File No. 16, A bill for an

act providing for compelling witnesses to appear before investigating committees, with the following amendment: insert after the words "General Assembly" in Section 1, the words, "or Joint Committee of both branches." In which the concurrence of the House is respectfully asked.

Also that the Senate has concurred in the House concurrent resolution, relative to printing the testimony taken before the Committee to investigate the alleged diversion of the Swamp Land Indemnity Fund.

JAMES W. WEART, Asst. Secretary.

REPORTS OF COMMITTEES.

The Committee on Enrolled Bills made the following report:

The Joint Committee on Enrolled Bills beg leave to report that they have examined House Files Nos. 4 and 42, and find the same correctly enrolled, and present them for your signature.

G. J. TISDALE, Chairman.

The report of the Committee was received, and the bills signed by the Speaker of the House.

Mr. McNutt moved to reconsider the vote by which the consideration of the question of publishing certain laws in the "Iowa Statesman" was postponed to the 4th of July, 1866. Carried.

The question then being on the adoption of the resolution, Mr. Rogers moved the previous question, which was not seconded.

Mr. Bennett moved to lay the matter on the table. Carried.

RESOLUTIONS.

Mr. Conway offered the following preamble and resolution:

WHEREAS, Under our present revenue laws, the taxes on real and personal property is levied in the different counties of the State by the board of supervisors of the respective counties at their regular meeting in June of each year, and

WHEREAS, The taxes so levied do not become delinquent until the first day of February of the following year, and

WHEREAS, Serious loss to the counties of this State has resulted from the removal by parties owning no real estate of their personal property from the county where it was assessed and a tax levied upon it, before such tax had become delinquent, or collectible by compulsory process of law, therefore

Be it resolved, That the Committee on Ways and Means be directed to take this subject under consideration, and to report to the House their opinion whether there is an adequate remedy for this evil by amendment to our revenue law, by giving county treasurers power to distrain personal property belonging to persons who own no real estate and who are about to remove such personal property out of the county, without payment of taxes already levied upon

such property; or by making the tax when levied, a lien upon such property, or by any other means which the Committee may suggest, and that said Committee report by bill or otherwise.

Mr. Goodrich moved to strike out the work "June" in the preamble and insert "September."

The motion to amend prevailed, and the resolution as amended was adopted.

Mr. Tracy offered the following resolution which was adopted:

Resolved, That this House has heard with unalloyed pleasure that the Lower House of the National Legislature has passed a bill enfranchising unqualifiedly male persons of the District of Columbia, who are twenty-one years of age without regard to color.

Mr. Sapp introduced the following resolution, which was adopted:

Resolved, That the Committee on Elections be directed to examine into the expediency of a law requiring all electors in this State to be registered before exercising the elective franchise, under such regulations as are just to the elector and will secure the purity of elections, and that they report at an early day by bill or otherwise.

Mr. Tisdale offered the following resolution, and moved its adoption:

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed and our Representatives be requested to use their influence to secure a daily mail service from West Union, Fayette county, Iowa, westward *via* Fredericksburg, Williamstown, and Bradford, to Nashua in Chickasaw county, a distance of forty miles.

Resolved, That the Secretary of State be instructed to furnish a copy of this resolution to each of our Senators and Representatives in Congress, also a copy to the Postmaster General.

Mr. Maxwell moved to refer the resolution to the Committee on Federal Relations, with instructions to report upon all such resolutions at an early day. Carried.

Mr. Wright of Alamakee, offered the following Joint Resolution:

Be it Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be and are hereby instructed and our Representatives requested to use their influence to secure the establishment of a tri-weekly mail route from Postville, Alamakee county, to Waukon in said county *via* Lybrand and Ludlow.

Mr. Maxwell moved to refer the resolution to the Committee on Federal Relations. Lost.

The resolution was adopted.

Mr. Ballinger offered the following resolution which was lost:

Resolved by the General Assembly of the State of Iowa, That the Secretary of State be instructed to furnish the door-keepers of the Senate and House of Representatives with a copy of all the Reports of the Supreme Court of this State now on hand, or which shall be published during the term of office of the members of this General Assembly.

Mr. Bennett offered the following resolution which was adopted:

Resolved, That the Committee on Schools be instructed to inquire into and report to this House by bill or otherwise, the propriety and expediency of providing by law for compensating School Directors, and other school officers.

Mr. Finkbine offered the following resolution which was adopted:

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of providing the Adjutant-General with three hundred additional copies of his printed reports for 1864 and 1865, now in the State ware-room for distribution among officers of Iowa Regiments mustered out in 1865, and who have not received said reports, and who held commissions at the time said reports were made.

Mr. Williams of Winneshiek, offered the following resolution which was adopted:

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be and are hereby instructed, and our Representatives requested to use their influence in procuring the establishment of a tri-weekly mail route between the city of Decorah in the county of Winneshiek, and State of Iowa, and the village of Hesper in the same county.

Mr. Alcorn offered the following resolution, which was lost:

Resolved, That the Committee on Military Affairs be and they are hereby instructed to report a bill to this House allowing recruiting officers who raised companies during the late war and were afterwards mustered into the service of the United States the same pay and allowance from the date of their recruiting companies to the time of their muster into the United States service, as they were entitled under the grade they held at the time of their muster in as aforesaid.

Mr. Ballinger offered the following resolution, and moved its adoption:

Resolved, That in our opinion the District of Columbia is the common property of the United States, and that while we recognise that Congress has power to make all needful laws for the government of the same, we protest against the passage of any law in any manner affecting said District in contravention to the known wishes of the people of said District and the people of the United States.

Mr. Bennett offered the following resolution as an amendment:

Resolved further, That our Representatives and Senators in Congress be instructed to use their influence to have submitted to the colored people of said District whether the white population of that District shall vote.

Mr. Rogers moved to lay the whole subject on the table. Lost.

After discussion, Mr. Burnett moved to lay the subject on the table, which prevailed.

Mr. Burnett moved that when the House adjourn, it be until tomorrow morning, at 9 o'clock.

Mr. Bolter moved to amend by striking out "9," and inserting 2 P. M. to-day. Lost.

The motion prevailed.

Mr. Maxwell moved to reconsider the vote by which the joint resolution concerning a certain mail route in Chickasaw county was referred to the Committee on Federal Relations. Carried.

The motion to refer was lost, and the resolution was adopted.

Mr. Landes offered the following resolution, and moved its adoption :

Resolved, That no member shall occupy more than five minutes in speaking without the unanimous consent of the House.

Mr. Close moved to strike out "five," and insert "10."

Mr. Flanders moved to amend the amendment by striking out "10," and inserting "15."

Mr. Russell moved to lay the resolution on the table, which prevailed.

Mr. Poindexter introduced the following resolution, which was adopted :

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be requested, and our Representatives instructed to use their influence to secure a tri-weekly mail from West Mitchell, in Mitchell county, by way of Plymouth and Mason City to Clear Lake, in Cerro Gordo county.

Resolved, That the Secretary of State be required to send a copy hereof to our Senators and Representatives in Congress.

By leave, Mr. Sherman introduced House File No. 81, A bill for an act making appropriation for the payment of mileage of members of the Eleventh General Assembly.

Read first and second time.

Mr. Maxwell moved to suspend the rule and put the bill upon its passage, which prevailed.

The bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Huggins, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson,

Thorn, Walden, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—88.

Absent, not voting, Messrs. Abbott, Darwin, Godfrey, Holden, Joy, Martin, Serrin, Stockman, Van Leuven, Wilson of Dubuque—10.

So the bill passed and the title was agreed to.

By leave Mr. Sapp introduced House File No. 82, A bill for an act to regulate the giving instructions to the jury in the District Court.

Read first and second times and referred to Committee on Judiciary.

COMMUNICATIONS ON SPEAKER'S TABLE.

The following communication was received from Hon. F. E. Bissell, Attorney General, in reply to a resolution of the House asking his opinion concerning an increase of the salaries of the Supreme Judges, which was read, and on motion of Mr. Rogers, ordered printed :

To the House of Representatives of the State of Iowa :

Under resolution of your body of January 18th, 1866, I am requested to give my opinion "whether there is any law now in force providing for the salaries of the Judges of the Supreme Court and District Court; and also whether there exists any constitutional impediment to the passage of an act by the present General Assembly, giving the said Judges a greater salary than that which they now receive."

On the third day of September, 1857, the new Constitution of this State took effect.

Art. 5, Sec. 9, provides "that the salary of each Judge of the Supreme Court shall be two thousand dollars per annum, and that of each District Judge one thousand and six hundred dollars per annum until 1860; *after which time* they shall severally receive such compensation as the General Assembly may by law prescribe, which compensation shall not be increased or diminished during the term for which they shall have been elected."

This constitutional provision abrogated or repealed all prior laws on the subject of salaries of Judges, and the Judges of both Courts became entitled to the salaries therein prescribed until the first day of January, 1860; after which time, until the General Assembly shall have acted or may act on the subject, there could be no law authorizing the judges to receive any salaries or compensation.

So far the judges of the Supreme and District Courts stand on the same basis.

After 1860, the General Assembly had power to fix the com-

pensation of judges, to take effect at once, without regard to the latter clause of the above section of the Constitution.

After the General Assembly shall have once fixed the compensation of the judges, any subsequent changes would be restricted by the above latter clause of section 9.

The extra session of the Ninth General Assembly, on page 17, acts of 1862, section 3, enacted, "the salary of the judges of the Supreme Court, shall, after the *several terms* of office of the present incumbents expire; be the sum of eighteen hundred dollars per annum."

This act, by its terms, was not to take effect or operate upon the salaries of said judges, until *after the several terms of office of the present incumbents expire*. The several terms of the (then) present incumbents have not yet expired, Chief Justice Lowe still holding under that term, and this act has, therefore, not yet taken effect.

There is no law now in force, which has taken effect, fixing the salaries of the Judges of the Supreme Court.

I refer to the Auditor's report, pages 22, 23, 24 and 25, for a further elucidation of some of the questions involved in this point.

If a statute is repealed, it leaves the subject matter as if no statute had ever been passed as to all matters not operated upon in fact by it, or rights accrued under it.

The repeal of a statute which has not taken effect, leaves the subject as though no such statute had ever been passed.

The Revision of 1860, Section 29, provides that "the repeal of a statute does not revive a statute previously repealed, nor does such repeal affect any right which accrued, any duty imposed, any penalty incurred, nor any proceeding commenced under or by virtue of the statute repealed."

If the above Section 3, of the Acts of the Ninth General Assembly, should now be repealed, it would leave the law as though no such statute had ever been passed, and the General Assembly would be required to act under Section 9, of the Constitution.

Without reference to the authorities on this subject, I think there can be no doubt but that the General Assembly may now repeal Section 3, of the Act of 1862, before referred to, and that it has full power and authority to now fix the compensation of the several Judges of the Supreme Court, to take effect upon publication, without any constitutional impediment.

The salaries of the District Judges were fixed by the Act of 1862, Section 2, above referred to, which was to, and did take effect on the last day of December, 1862.

This law having taken effect, the General Assembly, in legislating upon the subject of compensation of District Judges, will be restricted by the latter clause of Section 9, of the Constitution, hereinbefore quoted.

F. E. BISSELL, *Attorney General*.

A communication was received from Hon. Geo. G. Wright,

Chief Justice, transmitting a statement of the expenditures of the Contingent Fund of the Supreme Court.

Mr. Hale moved to lay the report on the table, and have it printed, which prevailed.

On motion of Mr. McLaughlin the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, January 23, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Peterson.

Journal of yesterday read and approved.

Mr. Morgan presented the credentials of Mr. Stockman from the 19th District. The credentials were read, approved, and Mr. Stockman's name entered on the rolls.

On motion of Mr. Maxwell, the regular order was suspended for one hour, for the purpose of allowing the presentation of petitions and introduction of bills.

PETITIONS.

Mr. Tracy presented a petition from J. Butterfield and others, asking for the repeal of Sections 1 and 2, of Chapter 143, Laws of 7th General Assembly.

Referred to Committee on Suppression of Intemperance.

Mr. Thorn presented a similar petition from D. C. Hilton and others.

Referred to same Committee.

Mr. Bereman presented two remonstrances signed by R. W. Pickle and other citizens of Henry county, against the repeal of the Prohibitory Liquor Law.

Referred to same Committee.

Mr. West presented a petition from Jennie Virden and others, asking for the passage of a law taxing bees.

Referred to Committee on Ways and Means.

Mr. Wilson of Dubuque, presented a petition of the Supervisors and City Council of Dubuque county and city.

Referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

Mr. Thorn introduced House File No. 83, A bill for an act to repeal Section 2241 of the Revision of 1860, and enact a substi-

stute therefor, prescribing the mode of indexing the conveyances of town lots in cities and villages.

Read first and second times.

Mr. Rohlfs introduced House File No. 84, A bill for an act to encourage immigration to the State of Iowa.

Read first and second time and referred to Committee on Internal Improvements.

Mr. Brown of Winneshiek introduced House File No. 85, A bill for an act to amend Section 8, Chapter 22, of the Laws of the 10th General Assembly.

Read first and second time, and referred to the Committee on Printing.

Mr. Goodrich introduced House File No. 86, A bill for an act to amend an act entitled an act creating a board of supervisors.

Mr. Morgan introduced House File No. 87, A bill for an act laying out and establishing county roads, and defining the duties of the board of supervisors and clerk of the board of supervisors in relation thereto.

Read first and second times and referred to Committee on Roads and Highways, and ordered printed.

Mr. Safely introduced House File No. 88, A bill for an act to prohibit one or more of the several owners of land inclosed in common, turning domestic animals during certain seasons of the year into such inclosures without the consent of all the other owners.

Read a first and second time and referred to Committee on Agriculture.

Mr. Rogers introduced House File No. 89, A bill for an act to amend Section 752 and 759, of the Revision of 1860.

Read a first and second time and referred to Committee on Ways and Means.

Mr. McNutt introduced House File No. 90, A bill for an act to amend Section 10, Chapter 22, of acts of Tenth General Assembly.

Read a first and second time and referred to Committee on Judiciary.

Mr. Finkbine introduced House File No. 91, A bill for an act to repeal Section 824, of the Revision of 1860.

Read a first and second time and referred to Committee on Roads and Highways.

M. Bennett introduced House File No. 92, A bill for an act to amend Section 4347, of the Revision of 1860.

Read a first and second time and referred to Committee on Judiciary.

Mr. Dwelle introduced House File No. 93, A bill for an act to amend an act entitled Section 1545, Chapter 61, of the Code of 1860, an act that sheep and swine shall not be free commoners.

Read a first and second time and referred to Committee on Agriculture.

MESSAGES ON THE SPEAKER'S TABLE.

The following communication from Hon. F. E. Bissell, Attorney General, was presented by the Speaker and read :

To the House of Representatives of the State of Iowa :

The following resolution having been referred to me, to-wit :

" *Resolved*, That the Attorney General be requested to communicate to the House at as early a day as practicable, his opinion whether or not the General Assembly has power to restrict and regulate the tariff of prices for passage and freight over the several Railroads in the State, and also the tariff rates of Express Companies "—

I respectfully submit this opinion :

The railroad corporations in this State have been formed under the general incorporation laws, and all such corporations in their creation, possessed substantially the same rights and were subject to the same restrictions. Some of these corporations have accepted grants of lands from the State under certain restrictions and reservations, to which I will refer hereafter. Railroad corporations are private, not public corporations. A public corporation is one erected for political purposes, and to carry forward the functions of the State, such as towns, cities, counties, &c. All other corporations are private. And although railroad corporations have the right to take property for their use, under the power in the State to take private property for public use, still the corporations are private corporations, although the property taken is for a public use by such corporations. This power does not grow out of their rights as corporations, but is conferred upon them by express provision of law.

The following authorities, among many others, fully sustain this position :

Darmonth College vs. Woodward, 4 Wheat., 1518.

Thorpe vs. Rut. & Ben. Railway, 27 Vt., 140.

Providence Bk. vs. Billings, 4 Pet., 514.

West River Bridge Co. vs. Dix, 6 How., 507.

Armington vs. Barnett, 15 Vt., 745.

Allen vs. Keen, 1 Summer C. C., 276.

University vs. Fay, 2 Haywood, 310, 374.

Wales vs. Stetson, 2 Mass., 146.

People vs. Manhattan, 9 Wend., 351.

University vs. Louisville, 15 B. Mon., 642.

Ehrenzetter vs. Union Canal Co., 1 Rowle, 190.

Dodge vs. Woolsey, 18 How., 331.

Mechanics & Traders' Bank vs. Debelt, 18 How., 380.

Same vs. Thomas, 18 How., 384.

The charter of a private corporation is a compact or contract between the State and corporations.

In this State corporations are created by the adoption of articles of association, yet the rights and powers of the corporation are derived from the general incorporation law of the State. Where private charters are granted, the passage of the act does not create the corporation, but it is the acceptance by the stockholders that gives it vitality and such acceptance makes it a contract. So in this State the general incorporation law tenders the contract and the adoption of articles of association, and compliance with the other requirements, makes the contract, and whether the corporation is formed under a special charter, or under a general law, they rest on the same foundation.

The powers of such corporations are to be found in the laws under which they are created, and the restrictions on them are to be found in the same laws. No persons have an *inherent* right to form a corporation. Corporations are purely creatures of the law, and in their creation the Legislature has unlimited power (within rightful and constitutional limits of legislation) to give as much or as little power as it pleases, and to trammel them with such restrictions or limitations as it pleases.

The corporators can refuse the offered charter, but if they accept, they take what is offered and no more.

When they have accepted and formed the corporation then the compact or contract between the corporation and the State is complete.

The general incorporation law in this State imposes no restrictions upon a railroad or other corporation, as to the amount of profits to be made by such corporation, nor as to the amount the corporation may charge for the transaction of any kind of business, except as to the rate of interest upon contracts. There is no reservation to the legislature (in the general incorporation law) to regulate or restrict such corporations in the above respects, unless it is in the land grant act, as before stated.

Over public corporations the legislature has an unlimited control to create, modify or destroy in the manner provided by the Constitution of the State.

It would have the same power over private corporations, if there were no constitutional restrictions or prohibitions.

The legislature can pass no act in conflict with the Constitution of the United States or of this State.

We must look to these instruments to learn the powers of the legislature, as well as the restrictions upon it, just as the corporation looks to its charter to determine its powers.

What restrictions are imposed by the Constitution of the State of Iowa or of the United States upon the legislature of this State, on the subject under consideration?

Art. 1, Sec. 10, Constitution of the United States, provides that "no State shall pass any law impairing the obligations of contracts."

Art. 1, Sec. 21, of our State Constitution, contains the same provision.

It is not claimed that any provision of either Constitution, except the above, conflicts with the law contemplated in the resolution of the House.

As has been said before, the charter of a private corporation is a compact or contract, and cannot be impaired by any Act of the General Assembly.

The most difficult question still remains, and that is, What will impair the obligation of such a contract?

To impair the obligation of such a contract, or of the charter of such a corporation, is to take away or impair the exercise of any of the essential franchises of the corporation, or in other words to interpolate into such contract some new term or condition foreign to the original grant or contract; or to take from the contract or impair some right given in and by it.

What then is an essential franchise of these railroad corporations? The answer is obvious. The sole business of such corporations is to carry freight and passengers, and receive pay therefor.

When the legislature of Iowa granted these railroad charters, through the general incorporation law, it permitted these corporations to receive pay for the carriage of both freight and passengers, leaving it to the laws of trade and competition, which extend over all civilized communities, to regulate the rates of such charges. Laws never have and never can regulate these matters effectually. There are no special privileges granted in this State. The field of competition is open to the world.

The question referred to me is one of power, not expediency.

I have been unable to find a single adjudication on this particular question.

In many of the charters in the Eastern States the right to regulate rates of fare, &c., was expressly reserved. In others the right to repeal, alter or modify the several charters, was also reserved. I think, however, there can be no doubt as to the rules and principles governing the decision of this question.

If the legislature has the *power* to *limit* the rate that railroad corporations may charge, where would it be compelled to stop? A right to limit is a right to exclude or forbid. If it has the right to limit without control, it could take away the right altogether.

The essential element of a railroad franchise is to charge and collect fare for freight and passengers, and can it be said that it will not *impair* that right by an enactment which deprived the corporation of the right to charge and collect from those willing to pay the amounts charged? This question in its essential elements has been before the Courts of the several States, and also the Supreme Court of the United States, so frequently that there can be no doubt in regard to the rule governing the question under discussion. It must also be borne in mind that the Supreme Court

of the United States is the ultimate arbiter of this question and to which both Courts and Legislatures must yield obedience. The rule or principle deduced from those decisions is that while such corporations are under the control of the Legislatures in all matters relating to the management of the corporations as affecting the public, in the nature of police regulations, &c., it cannot go beyond this. These corporations are formed because they are a public benefit, and when the corporation (or what is the same thing the stockholders) have advanced their money upon the faith of the charter granted to the corporation, the State is bound by the plain principles of justice to respect all rights thus created and vested by the charter.

The Legislature cannot prohibit existing railroad corporations from carrying freight or passengers, but it may, within certain limits, so regulate the management of the road as to impose new obligations and restrictions materially affecting their profits, as by not allowing them to run in an unsafe condition, requiring them to use the best improvements to secure the safety of their passengers and others, to fence their roads, to put in crossings, cattle guards, &c. The range within which the law-making power may act, is not exactly defined, but it must not go so far as to *impair* the contract itself. That which the legislative power cannot take away by express terms (that is the right to charge for freight and passengers) cannot be taken away indirectly or by implication, or by the enactment of laws repugnant to the laws under which the corporation was formed.

I refer to a few of the numerous authorities to sustain the foregoing propositions in addition to those cited before, which also sustain the same doctrine:

Commercial Bank vs. State, 6 Smed & M., 599.

Commonwealth vs. Cullen, 13 Penn. St., 133.

Brown vs. Hammond, 6 Penn. St., 86.

City of St. Louis vs. Russell, 9 Miss., 507.

New Orleans R. vs. Harris, 27 Miss., 517.

Slack vs. Maysville & L. R., 13 B. Mon., 1.

People vs. Board of Sup., 4 Barb., 64.

Tinsman vs. Belvidere R. Co., 2 Dutch., 148.

People vs. Platt, 17 Johns., 208.

Wilson vs. Vt & Conn. R., 26 Vt., 717.

Galena & Chi. U. R. vs. — —, 13 Ill., 548.

Washington Bridge Co. vs State, 18 Conn., 53.

Bailey vs. Railroad Cor., 4 Har., 389.

We next inquire, is there any reservation of this right, in what is called the land grant roads? Section 1311, Revision of 1860, in the so-called land grant act, provides that "said Railroad Companies accepting the provisions of this act shall, at all times, be subject to such *rules and regulations* as may from time to time be enacted and provided for by the General Assembly of Iowa, not in-

consistent with this act and the act of Congress making the grant."

The corporations accepting this grant made this section a part of that contract.

What is meant by the above words, "rules and regulations?" Do these terms include the right to regulate the rate of fare for freight or passengers? It seems from the language used to have been the purpose of the General Assembly, in the above section, to reserve to itself the right to enact rules and regulations in relation to the subject matter of that act, to-wit: The granting and disposing of lands for railroad purposes; such rules and regulations as would insure the use of those lands for the purpose designed; and that the reservation was not intended to relate to the general corporate rights of the corporations receiving those grants.

Further than this, it may very properly be claimed that the words "rules and regulations" do not refer to those rights given by the articles of incorporation, or necessarily incident thereto, that they do not relate to the franchisal rights of the corporation, but only to those which might affect the operation and management of the roads, as affecting the safety and well-being of the public, and not as affecting their corporate rights.

The rule of construction, as applied to the charters of private corporations, is, that they are to be strictly construed in favor of the public, against the corporation. Those rights which are expressly given, or necessarily incident to those given, can be claimed by such corporations, and no others; and this rule applies to the restrictions and reservations, as well as to the grants of power. Ambiguous words are to be construed most strongly against the corporations. All the authorities do not sustain these rules, but I think these are the general rules of construction.

Richmond Railway Co. vs. the Louisa Railway Co., 13 How., 71.

If the question rested upon the construction to be placed upon the foregoing section alone, I should have great hesitation in arriving at the conclusion I do. There are, however, certain constitutional provisions which aid in construing this section.

The old Constitution of Iowa, under which section 1311 was passed, provides that "corporations shall not be created by special laws, except for political purposes." See Act 8, Sec. 2.

Section 1311 is a special act; that is, it does not have a uniform operation upon all the railroads in the State. It applies to certain roads only, and for a certain purpose.

The title of the act does not embrace the amendment of the general act of incorporation.

Under similar constitutional provisions it has uniformly held that a Legislature could not *alter* or *amend* any law affecting the franchise of a corporation by a special law. We must suppose that said section 1311 was not intended to conflict with the foregoing constitutional provision, and I therefore conclude that it cannot be construed as limiting or affecting the corporate rights of the Land Grant Roads.

The subject referred to me is one of great importance, involving many intricate constitutional and legal questions. I have not been able to devote to it the time its importance demands. I have not had an opportunity to examine many of the leading cases on the questions involved, as they are not in the State Library or accessible in the city.

The conclusion to which I have arrived is, that the General Assembly has no power to restrict and regulate the tariff of prices for passage and freight over the several railroads in this State, nor the tariff rates of Express Companies.

F. E. BISSELL, *Attorney General*.

JANUARY 22, 1866.

Mr. Bennett moved to lay the communication on the table, and print twice the usual number.

Mr. Dudley moved to amend by striking out the word "print" and all thereafter.

Mr. Goodrich moved to further amend by adding "and be printed in the State Register."

Mr. Burnett moved the previous question which was seconded. The question "shall the main question be now put," was decided in the affirmative.

The question being the amendment to the amendment, it was lost.

The question recurring on the amendment, it was lost.

Mr. Bennett's motion prevailed.

SPECIAL ORDER.

The following resolution, offered by Mr. Brown of Van Buren, being the special order, Mr. Finkbine moved to go into Committee of the whole.

The motion prevailed, and Mr. Finkbine was called to the chair.

RESOLUTIONS.

WHEREAS, There seems to be manifest objections to the present system of County Government, and

WHEREAS, It seems to be a question whether a Board of Commissioners would not be less expensive, and more efficient in the transaction of County business.

Therefore be it resolved by the House of Representatives of the State of Iowa, That we deem it expedient to take action at an early period of this session, looking to an absolute and radical change, Article 11, Chapter 22, Revision of 1860.

After discussion, the Committee rose, reported progress, and asked leave to sit again to-morrow morning at 10 o'clock, which was granted.

By leave, Mr. Bennett from the Committee on New Districts in-

roduced House File No. 3, with a substitute, and recommendation that the substitute pass.

By leave, Mr. Hale, from the Committee on Judiciary, presented the following report:

The Committee on the Judiciary, to whom was referred House File No. 57, "An act to authorize the Board of Supervisors to compromise judgements in favor of the State," have had the same under consideration, and they have instructed me to report the same back to the House, and recommend its passage.

HALE, Chairman.

By leave, the same Committee presented the following report:

The Committee on the Judiciary, to whom was referred House File No. 60, "A bill for an act to amend Section 4220, of Chapter 165, of the Revision of 1860," have had the same under consideration, and they have instructed me to report the same back to the House and recommend its passage.

WM. HALE, Chairman.

By leave, the same Committee, presented the following report:

The Committee on the Judiciary, to whom was referred House File No. 15, "A bill for an act to repeal Section 4993, of the revision of 1860," have had the same under consideration, and they have instructed me to report the same back to the House, together with the following as a substitute proposed by the Committee, and which they recommend be adopted by the House.

HALE, Chairman.

By leave, the same Committee presented the following report:

The Committee on the Judiciary, to whom was referred House File No. 54, "An act providing for a change of venue in preliminary examinations before Justices of the Peace," have had the same under consideration, and they have instructed me to report the same back to this House and recommend its passage with the following amendments proposed by the Committee:

In the third line of the bill strike the word "Justice," and in the fourth line the words "of the Peace," and insert in line thereof, the word "magistrate."

WM. HALE, Chairman.

By leave, the same Committee presented the following report:

The Committee on the Judiciary, to whom was referred House File No. 56, "A bill for an act to amend the law in relation to the competency of witnesses," have had the same under consideration, and they have instructed me to report the same back to this House and recommend its passage.

WM. HALE, Chairman.

By leave, the same Committee presented the following report:

The Committee on Judiciary to whom was referred House File No. 75, An act to amend Section 3362 of the Revision of 1860, in relation to the administration of oaths to appraisers, have had the same under consideration and they have instructed me to report

the same back to this House and recommend its passage with the following amendment proposed by the Committee.

HALE, Chairman.

Section 3373 of the Revision of 1860, is hereby amended so as to read as follows: The appraisers provided for by this act, shall be allowed one dollar and fifty cents per day, and for every fraction of a day, in each case, for their services.

By leave the same Committee presented the following report:

The Committee on Judiciary have directed me to introduce the following bill and recommend its passage, an act to authorize Courts upon granting change of venue in criminal prosecutions to require witnesses to enter into recognizances for their appearance at the Court to which such change of venue may be granted.

WM. HALE, Chairman.

By leave, the Committee on Agriculture presented the following report:

The Committee on Agriculture, to whom was referred a resolution with instructions to enquire into the expediency of enacting a law regulating the quantity of toll to be charged or taken by grist or flouring mills in this State, &c., have had the same under consideration, and have instructed me to report the accompanying bill with a recommendation that the bill be put upon its passage.

H. M. THOMSON, Chairman.

On motion of Mr. Maxwell, the bill was laid upon the table and ordered printed.

By leave, the Committee on Agriculture presented the following report:

Your Committee on Agriculture to whom was referred House File No. 80, A bill for an act to repeal Chapter 41 of the Acts of the Fifth General Assembly, entitled an act to encourage agriculture and the mechanic arts in Johnson county, approved July, 1855, have had the same under consideration, and have instructed me to report the same back to the House with a recommendation that the bill do pass.

H. M. THOMSON, Chairman.

By leave, the Committee on Printing presented the following report:

Your Committee to whom was referred a bill, entitled an act to provide for the distribution of the Adjutant General's Report of January 1st, 1866, have had the same under consideration, and instructed me to report the same back, and recommend its passage.

SAMUEL McNUTT, Chairman.

Mr. Tisdale from the Committee on Enrolled Bills, reported that that Committee had examined a Joint Resolution with reference to the 37th Iowa Infantry, and a Joint Resolution ratifying the amendment to the Constitution of the United States forever abolishing slavery, and found them correctly enrolled.

Said Joint Resolutions were then signed by the Speaker.

By leave, the Committee on Roads and Highways presented the following report :

The Committee on Roads and Highways to whom was referred House File No. 52, A bill to amend Chapter 46, Article 1, of the Revision of 1860, in relation to laying out and establishing county roads, have had the same under consideration, and have instructed me to report the same back and recommend that it do pass.

GEO. M. MAXWELL, Chairman.

By leave, Mr. Sapp from the Committee on Federal Relations presented the following majority report :

The Committee on Federal Relations to whom was referred a resolution instructing our Senators, and requesting our Representatives in Congress to use their influence to have measures adopted by Congress to change the Constitution of the United State in respect to the basis of representation, so that no State shall be represented for any person within its borders, who by the Constitution or laws of such State are excluded from the elective franchise on account of race or color, have had the same under advisement, and I am directed by a majority of said Committee to report the same back to this House with a recommendation that it do pass.

WILLIAM F. SAPP, Chairman.

Mr. Wilson of Dubuque, from the same Committee presented the following minority report :

To the Hon., the House of Representatives of the State of Iowa :

The undersigned a minority of the Committee on Federal Relations to whom was referred a preamble and resolution proposing initiatory measures for a change of the Constitution of the United States as to the basis of representation, begs leave to make the following report, viz. :

The preamble and resolutions, as understood by the undersigned, propose to change Section 1, Article 2, of the Constitution of the United States, as to free persons, and base representation upon voters instead of free persons. Negro women and children, under the basis recommended would not be counted, because they would be excluded by color as well as by sex and age, and therefore the basis would be upon the elective franchise. This construction is the one which the undersigned prefers to place upon the resolution, because it contains the doctrine of the dominant political party of the country and the policy recommended by the Executive of the State in his inaugural address to the legislature.

The other construction, viz. :

That none were to be excluded from representation except male blacks, excluded from the right of suffrage by reason of race or color, is a proposition which is so unreasonable and unjust in excluding negro men, and including negro women and children ; one which would make so slight and inconsiderable a change in the

representation of the South; one favorably entertained by so few, and so unlikely to be adopted that it need not be considered.

The object in this change to a basis of voters, is to enforce the extension of the right of suffrage to the black race, under penalty of partial disfranchisement of the whites by a reduction of their representation. In some of the States this extension would involve a surrender of all political power to the negroes; it would make negro colonies of those States, driving out the white population, ruining and causing to be unproductive a large portion of country, without whose products the whole civilized world would suffer.

To this proposed change there are several objections, and the subject is worthy of the calm, serious and unprejudiced consideration of this House. Some of these objections, in the opinion of the undersigned, are as follows:

The change cannot be made to operate uniformly, for some States cannot adopt it without a surrender of all political power to the blacks, while in others, by reason of the sparseness of this class, its adoption would affect no change either in the depository of power or in representation.

No basis of representation is so stable, so certain, and so little liable to fluctuation, as that of free population. If you make property the basis, a door is opened to abuse by doubling the assessment; if you make localities, such as cities or counties as the ancient burroughs in England were made, it will become unequal and unjust by reason of increase or decrease of population; if voting population be the basis, one State may increase it solely by extending the right to women and children, or by allowing foreigners to vote after they have resided in the country one year, as Wisconsin has done, while the State of Iowa requires a residence of five, and Massachusetts a residence of twenty-one years.

If the white population of some of the States should, in self-defence, adopt the alternative of reduction of their representation, then the colored population would present the condition of taxation without representation; and by this the professed friends of this people compel the white population to deprive them not only of the right of suffrage, but of representation.

There is a distinction between these two rights, and the *latter* is not necessarily involved in the *former*. That of representation is the right of being counted in the taking of the census; of being included among those who make up a constituency represented in the State and National councils; and in this regard the blacks stand upon an equality with our women and children. It is a valuable right. Yet, by this proposed amendment, its friends, who claim to be only friends of the negro, offer to lay this right at the feet of the Southern white man, and bargain it away if he will consent to a reduction of the present basis. The present rule, founded upon free population, is more permanent, because all per-

sons are now counted ; whereas, by an adoption of the proposed basis the rule is liable to continual change. One State, desiring to increase its representation, may authorize women and minors to vote, while other States opposed to such a principle, although having the same population both in number and class, would have a smaller representation, and thus an inducement is held out to an unwise and unprecedented extension of the right of suffrage. And further, might not a State during the year when the census of the United States is, under the constitution, required to be taken, authorize women and minors, unnaturalized foreigners and Indians, to vote at State elections for the purpose of increasing its representation, and as soon as the apportionment should be made repeal this authority. But this fraudulent increase of representation could not be corrected for ten years, and not then, if there should be another extension for one election of right of suffrage, as before.

The universal extension to the negro of the right of political equality is the first great stepping stone to social equality—a condition fatal to both races. There should be, in the present situation of the liberated black, and in the new relation which he bears to us socially and politically, enough for present experiment, and the largest philanthropy. Yea, there is in it enough of danger to awaken our interest and excite the utmost vigilance. Prudence would dictate that we should leave further experiments to the future, when his capabilities will be tested and when duty will be rendered easy by the faithful teachings of past experience.

There is nothing in the idea of an increased Southern representation to cause apprehension. The increase of representation by the present rule cannot occur until after the year 1870. According to the census of 1860 the increase would be less than one to each of the rebel States, but since the taking of that census they have lost by the war over 300,000 of their white, and more than 100,000 of their black population ; therefore, when the new apportionment under the next census shall be made, our representation in Congress will comparatively increase, while theirs will decrease, for the reason that during the rebellion our population constantly increased, and was greater at the close of the war than it was at the beginning ; while theirs received no addition to make up any part of their great losses.

No civilized nation where the common or civil law prevailed ever adopted any other rule than ours, as a general basis. The State of Iowa and all the other States, have adopted this rule in their several State Constitutions. This State has persistently refused to extend the right of suffrage to blacks and so have all the States of the Union, with but two or three exceptions, and it would seem to be a departure from "the golden rule," and look like revenge or oppression to adopt it now, and attempt to force it upon

others, when its adoption, while leaving us unharmed, would be destructive to others.

It is time enough for this House to initiate measures to compel negro suffrage in other States when our people adopt it here. In view of the example of our adjoining sister States of Illinois, Wisconsin and Minnesota, and its probable rejection here, is not the proposed action premature now?

It is not necessary to adopt this proposition to amend, as a barrier to the re-establishment of Southern slavery. It is a sufficient answer to such a view, that the present test oath prescribed by Congress has thus far effectually excluded all from the National Legislature who aided or abetted the Rebellion; that the Government is maintaining a standing army in the South, not only for the purpose of enforcing the Constitution and the laws, but also of seeing that neither slavery or involuntary servitude shall be established there as a domestic relation.

Further, the people of the South openly avow their willingness to submit to the abolition of slavery, and that they have no desire to re-establish it. They cannot do so if they would. The people of this Union will never again tolerate it. It is the dictate of sound policy to take them at their word, and such is the view of the Executive branch of the National Government. The President, in his message to the Senate, dated January 11, 1866, says of the States lately in rebellion: "From all the information in my possession and from that which I have recently received from the most reliable authority, I am induced to cherish the belief that personal animosity is surely and rapidly merging itself into a spirit of nationality, and that representation connected with a properly adjusted system of taxation, will result in a harmonious restoration of the relations of the States to the National Union."

It is a libel upon the Democracy of the North, now that slavery is everywhere within the limits of the Republic abolished by Constitutional law, to say that they do now, or ever will, desire its re-establishment.

Constitutions should not be amended to carry partisan measures. That which is the policy of a political party to-day, may be the opposite next year, and times of high party excitement, when the passions of many are excited to an unparalleled degree, are unfavorable to altering or abolishing any part of that matchless guaranty of our rights—the source and continuance of our national existence, the Constitution of the United States. This priceless treasure framed by a body of men whose equals in learning, political foresight and sagacity, intelligent, self-sacrificing patriotism, never did before and never will again assemble together upon earth, framed the section now sought to be repealed, in view of the contingency of slave emancipation, and if so, it follows that its occurrence affords no ground for this amendment.

Mr. Jefferson, in his notes upon Virginia, says it was so con-

templated, and the provision of this section whereby free blacks count more than slaves, even in the slave States, shows that a bounty was held out to emancipation.

To suppose that the present Constitution does not provide for the existing emergency is to assume that the authors of it believed that African slavery would exist forever, is a theory unjust to the founders of the greatest, the best, and the freest Government in the world; an impeachment of their consistency, and the well recorded history of their declarations at the time. They framed it to last through all time. The Supreme Court of the United States, in 1 Wheaton 304, in speaking of the Constitution says, "it was not intended merely to provide for the exigencies of a few years, but was to endure through a long lapse of ages; the events of which were locked up in the inscrutable ways of Providence." Such has been the understanding ever since its adoption. In urging upon the South the policy of emancipation and compensated labor, the Northern friends of this policy asserted that it would be better for the South, socially, financially and politically.

If the proposed change is desirable; if the object be to blot out the right of the State, and to place all power in a great centralized government, why not alter the basis of representation in the Senate of the United States, and instead of giving the State of Rhode Island, which has not as much area as the county of New York, and not so populous as the city, two Senators, base it upon the voting population.

Under the present provision the freedmen of the South have the same rights as the negro in this State and in a very large majority of the Northern States, and as to the right of suffrage he is in no worse condition than our wives, our daughters of full age, and our sons of non-age. In respect to these persons it cannot be asserted that by reason of their not exercising this privilege, they are not protected by legislation, or, are likely to have forced upon them a system of oppression.

In view of the fact that the question before us was not in issue in the election of members of this House; and that the people of this State, judging from their last decision upon the question of negro suffrage, will in all probability, again reject it, and believing that it is wise to leave the Constitution in this regard as our forefathers transmitted it to us, the undersigned would respectfully recommend, that the preamble and resolutions be not adopted.

T. S. WILSON.

By leave, the Committee on Claims presented the following report:

The Committee on Claims, to whom was referred the claim of the Des Moines Coal Company for \$78.96, for coal furnished at the Capitol building, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the House, and recommend that said claim be allowed, and

that the same be referred to the Committee on Ways and Means with instructions that the payment of the same be provided for in the general appropriation bill.

L. CLARK, Chairman.

The report of the Committee was concurred in, and the claim so referred.

Mr. Finkbine moved to reconsider the vote by which the claim of the Des Moines Coal Company was referred to the Committee on Ways and Means, which prevailed, and the claim, on motion of Mr. Finkbine, was laid on the table.

By leave, Mr. Finkbine offered the following resolution, which was adopted :

Resolved, That the Committee on Compensation of Public Officers be instructed to report as soon as possible as to the propriety of increasing the salaries of said offices.

By leave, Mr. Hale called up Senate File No. 4, A bill for an act to provide for the distribution of certain laws.

Read first and second time.

On motion of Mr. Hale, the rule was suspended, the bill read a third time, and put upon its passage.

On the question "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Alcorn, Barnes, Barker, Bahl, Belt, Boomer, Bolter, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Ryan, Sapp, Safely, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, West, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—79.

The nays were Messrs. Bereman, Bennett, Brown of Decatur, Emery, Fellows, Lowdon, Martin, McKean, Russell, Wright—10.

Absent, not voting, Messrs. Abbott, Ballinger, Brown of Louisa, Brown of Madison, Godfrey, Holden, Serrin, Stockman, and Van Leuven—9.

By leave the Committee on Claims present the following report: The Committee on Claims, to whom was referred the petition of S. L. Glasgow asking relief for one Perry Hillis, together with the report of the Committee on Military Affairs allowing the said Perry Hillis the sum of five hundred and sixty dollars, and recommending that the same be paid, beg leave to report that they have

had the same under consideration and have instructed me to report the same back to the House without recommendation.

L. CLARK, Chairman.

Mr. Glasgow moved to refer the report of the Committee on Claims concerning Perry Tullis, together with all the papers connected therewith, to the Committee on Ways and Means, with instructions to incorporate the amount allowed the said Tullis in the General Appropriation Bill. Carried.

By leave the Committee on Printing presented the following report:

Your Committee, to whom was referred the resolution instructing them to inquire what steps are necessary to procure the publication of the Governor's Biennial Message and Inaugural Address into the several languages into which they have been ordered to be published, respectfully report that the publication into the German language is now being done by Mr. Lischer, in Davenport, and will be published immediately; and that the translation into the Holland language is being done by Mr. Scholte, of Pella, and will be published immediately by Mr. C. S. Wilson.

Your Committee would farther report that they have not ascertained what steps have been taken to have said documents published in any other foreign language than those above mentioned.

SAMUEL McNUTT, Chairman.

By leave the Committee on Roads and Highways presented the following report:

The Committee on Roads and Highways, to whom was referred House File No. 70, A bill for an act relating to persons who are liable to work the roads, have had the same under consideration and have instructed me to report back the bill and recommend that it do not pass, as the law as it now stands seems to give general satisfaction.

All of which is respectfully submitted.

GEO. M. MAXWELL, Chairman.

Mr. Tracy moved to give the use of the Hall of the House to the Good Templars organization on the 30th of next month. Carried.

Mr. Bennett moved to adjourn until to-morrow morning at 10 o'clock, which prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, January 23, 1866. }

House met pursuant to adjournment.
Speaker in the chair.

Prayer by Rev. Thomas McCague.

Journal of yesterday read and approved.

Mr. Finkbine moved that as the Chief Clerk, in conformity to a resolution of the House, had furnished knives to all the members of the House, he be now directed to furnish knives to all the officers and employees. Carried.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order, a resolution concerning a change in county government.

Mr. Brown of Van Buren moved to postpone the subject until one week from next Monday, at 10 o'clock, which prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked:

Senate File No. 27, A bill for an act to authorize Sheriffs to administer oaths in certain cases.

Also, that the Senate has concurred in the House resolution relative to the appointment of a Joint Committee to whom shall be referred so much of the Governor's Message as relates to claims against the United States.

Also, that the Senate has passed the House Joint Resolution relative to the appointment of a Joint Committee to visit the State Penitentiary, with the following amendment, viz:

Add thereto these words, "And such other matters as they may deem important," in which the concurrence of the House is respectfully asked.

Also, that the Senate has concurred in the House Joint Resolution relative to additional mail facilities in Alameda county.

JAMES M. WEART, Assistant Secretary.

On motion of Mr. Hale, the message from the Senate was taken up, and the Senate amendments to House File No. 16, A bill for an act providing for compelling witnesses to appear before investigating Committees were concurred in.

On the question "shall the House concur in the Senate amendment" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Bennett, Bommer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneschek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hand, Holmes, Joy, Knapp,

Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—86.

Absent, not voting, Messrs. Barker, Brown of Madison, Fellows, Godfrey, Hale, Huggins, Knox, McPherson, Russell, Stockman, and Van Leuven—12.

So the amendment was concurred in.

Senate File No. 27, A bill for an act to authorize Sheriffs to administer oaths in certain cases, was taken up and read first and second times.

On motion of Mr. Rogers, the rule was suspended, and the bill ordered to be read a third time now.

The bill was read a third time, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—90.

Absent, not voting, Messrs. Barker, Brown of Madison, Godfrey, Holden, Ryan, Stockman, Van Leuven, West—8.

So the bill passed and the title was agreed to.

Mr. McNutt moved that the House concur in the Senate amendment to the Joint Resolution of the House in relation to appointing a Committee to visit the Penitentiary. Carried.

BILLS ON SECOND READING.

House File No. 25, A bill for an act to amend Section 800, of Revision of 1860, was taken up, and ordered to be engrossed for a third reading.

On motion of Mr. Rogers, it was ordered that the rule be suspended, the bill be considered engrossed and read a third time now.

The bill was read a third time, and on the question "shall the bill pass," the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—91.

Absent and not voting, Messrs. Barker, Brown of Madison, Fellows, Godfrey, Holden, Stockman, and Van Leuven—7.

So the bill passed and the title was agreed to.

House File No. 22, A bill for an act to amend Section 4318, of the revision of 1860, relating to malicious mischief and trespass on property.

Read a second time.

Mr. Maxwell moved that the bill be indefinitely postponed, which motion prevailed.

House File No. 2, A bill for an act to punish attempts to commit offenses prohibited by law, was taken up and ordered to be engrossed for a third reading.

On motion of Mr. Burnett, it was ordered that the rule be suspended, the bill considered engrossed and read a third time now.

The bill was read a third time, and upon the question, "shall the bill pass?"

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCulloch, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, West, Wilcox, Wright, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—90.

Absent, and not voting, Messrs. Barker, Brown of Madison, Gamble, Godfrey, Holden, Ryan, Stockman and VanLeuven.

So the bill passed, and the title was agreed to.

Houss File No. 29, A bill for an act to protect the earnings of married women.

The substitute recommended by the Committee was adopted, and ordered to be engrossed for a third reading.

Mr. McNutt moved that the rule be suspended, the bill be considered engrossed, and read a third time now. Carried.

On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Thatcher, Tracy, Travis, Tisdale, Thomson, Thorn, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—91.

Absent and not voting, Messrs. Barker, Brown of Madison, Godfrey, Golden, Martin, Stockman, and Van Leuven—7.

So the bill passed, and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked:

Senate File No. 20, A bill for an act amending Section 4324, of the Revision of 1860, in relation to willful trespass.

Also return herewith House File No. 81, the same having passed the Senate without amendment.

JAMES M. WEART, Assistant Sec'y.

House File No. 26, A bill for an act to amend Sub-Division No. 2, of Section No. 710, of Revision of 1860, was taken up, and after consideration, on motion of Mr. Thomson, postponed until the 15th day of February next.

House File No. 20, A bill for an act to amend 710, of the Revision of 1860, in relation to bridge tax, was taken up.

Mr. Sherman moved to postpone until February 15th. Lost.

Mr. Maxwell moved to refer to Committee on County and Township Organization. Carried.

By leave, Mr. Garber presented the following report from the Committee on County and Township Organization :

Your Committee on Township and County Organization to whom was referred petitions of the Board of Supervisors of Benton and Tama counties, have had the same under consideration, and have instructed me to report by bill, in accordance with the prayer of said petitioners, and recommend its passage.

By leave, Mr. Russell presented the following report from the Committee on Public Lands.

The Committee on Public Lands to whom was referred House File No. 69, being a bill for an act making provision for the settlement of all liabilities of State and University growing out of the sale of certain lands in Appanoose county sold as Saline Lands, have had the bill under consideration and have instructed me to report it back to the House without amendment, and recommend its passage. The Committee recommend the passage of the bill as a simple act of justice to the innocent purchasers of the lands to which it refers.

RUSSELL, Chairman.

By leave, Mr. Russell presented the following report :

Your Committee on Public Lands to whom was referred House File No. 6, entitled a bill for an act defining the duties of the Register of the State Land Office, have had the same under consideration and have instructed me to report it back to the House, with the accompanying amendments, and as amended, to recommend its passage. The amendments proposed by the committee are : 1. To insert in Section 1, line sixth, after "all" the word "uncontested," so as to read "all uncontested errors;" and after the word "discrepancies" in same line, insert "in names of grantees and." Also, in the same Section, line tenth, insert "record" after the word "proper." Also, in Section 4, strike out the word "laws" and insert "acts or parts of acts."

Your Committee recommend the foregoing amendments to Section 1, with a view to make the bill more guarded and specific in its provisions, as the titles to real estate should not be subject to any alteration unless such errors are clear and unquestionable, and the evidence on record. All of which is respectfully submitted.

RUSSELL, Chairman.

By leave, Mr. Thomson presented the following report :

MR. SPEAKER :—Your Committee on Agricultural, to whom was referred House File No. 59, "A bill for an act to prevent the importation, running at large, and sale of Horses being diseased with Gleet or Glanders," have had the same under consideration, and have instructed me to report it back to the House with the accompanying substitute, and unanimous recommendation that the substitute do pass.

H. M. THOMSON, Chairman.

By leave, Mr. Bennett presented a memorial from the Board of Supervisors of Washington County, asking for the enactment of a law providing for the appointment of a Deputy Collector in each township.

Referred to Committee on Ways and Means.

By leave, Mr. Bennett presented a memorial from the Board of Supervisors of Washington County, asking for the passage of a law authorizing the diversion of the Relief Fund to the General Funds of Counties.

Referred to Committee on Ways and Means.

Mr. Tisdale presented the following report:

The Joint Committee on enrolled bills, report that House File Nos. 4 and 42, have been presented to the Governor for signature.

G. J. TISDALE, Chairman.

By leave, Mr. Finkbine presented a petition from Samuel Bacon, concerning blind soldiers.

Referred to Committee on Blind Asylum.

Mr. Rogers moved to adjourn until to-morrow morning, at nine o'clock, which prevailed, and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, {
DES MOINES, Jan. 25, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Journal of yesterday read and approved.

On motion of Mr. McNutt, Mr. Ballinger was granted leave of absence for five days.

On motion of Mr. Travis, Mr. Garret was granted leave of absence for five days.

BILLS ON SECOND READING.

Bills on second reading being the regular order of business, House File No. 36, A bill for an act to amend Section 898, of the Code, was taken up.

Mr. Sapp moved that the bill lay on the table, and be printed. Carried.

House File No. 48, A bill for an act to repeal Section 6, 7, 8, 9, 10 and 11, of Chapter 102, of the acts of the Ninth General Assembly, was taken up.

Mr. McNutt moved that the bill be indefinitely postponed. Carried.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked :

Senate File No. 36, A bill for an act to legalize the articles of incorporation of the Norwegian Luther College of Decorah, Iowa.

I am also further directed to ask the return of House File No. 81, A bill for an act making appropriation for the payment of members of the Eleventh General Assembly.

JAMES M. WEART, Ass't Secretary.

The request of the Senate for the return of House File No. 81, was granted.

House File No. 31, A bill for an act to amend Section 885, of Revision of 1860, in relation to poll tax, was taken up.

Mr. Sapp moved that the bill be indefinitely postponed.

Mr. Thomson moved that the bill be recommitted to the Committee on Roads and Highways. Lost.

The motion to indefinitely postpone prevailed.

House File No. 14, A bill for an act to provide for the printing and distribution of the Governor's Biennial Message, was taken up and ordered engrossed for a third reading.

House File No. 55, A bill for an act to change the manner of electing Township Trustees, and the length of time they shall remain in office, was taken up.

Mr. Griffith moved that the bill lay upon the table and be printed. Lost.

The bill was ordered to be engrossed for a third reading.

House File No. 35, A bill for an act to amend Chapter 89 of the Acts of the Tenth General Assembly was taken up.

Mr. Joy offered a substitute and moved its adoption.

Mr. Wilson of Jackson, moved to recommit the bill and substitute to the Committee on Ways and Means.

Mr. Morgan moved to amend by recommitting with instructions to the Committee, to enquire into the expediency of providing that counties may levy an additional tax in September, 1866."

Mr. Mills moved to amend the amendment, as follows : Add, *Provided*, That said fund shall be applied to the payment of the oldest warrants against the fund to which said relief fund shall be applied.

The amendment to the amendment was lost.

The amendment was adopted.

The motion as amended prevailed.

Mr. Darwin moved to reconsider the vote by which House File No. 27 was passed yesterday, and that the motion to reconsider be postponed until next Tuesday. Carried.

House File No. 41, A bill for an act entitled an act to authorize

the Board of Supervisors of the several counties in this State to appropriate a portion of the Relief Fund of their respective counties to the payment of the county indebtedness, was taken up.

Mr. Hale moved to recommit the bill to the Committee on Ways and Means. Carried.

House File No. 49, A bill for an act providing compensation for attorneys in State cases, was taken up.

Mr. Knox moved that the bill be indefinitely postponed. Carried.

House File No. 30, A bill for an act extending the powers of the Auditor of State, was taken up.

The question being on the engrossment of the bill, Mr. Glasgow moved that the rule be suspended, the bill be considered engrossed, and read a third time now. Lost.

The question recurring on the engrossment of the bill it was ordered to be engrossed for a third reading.

APPOINTMENT OF COMMITTEE.

The Speaker announced the following House members of the joint committee to visit the Penitentiary: Messrs. Brown of Wineshiek, and Walden.

House File No. 19, A bill for an act to amend the law in reference to the execution of judgments for the foreclosure of mortgages, was taken up.

The question being on the engrossment of the bill,

After consideration, Mr. Poindexter moved that the bill be re-committed to the Committee on Judiciary, and printed. Carried.

By leave, Mr. Barnett introduced the following joint resolution, which was adopted:

1. *Resolved by the House, the Senate concurring*, That a joint committee of two members of the House and one of the Senate be appointed to visit the State University located at Iowa City, to inquire into and report upon the affairs of the University, and upon the condition of the buildings and grounds of the University, and upon the character and progress of the new building designed for laboratory and chapel.

2. *Resolved*, That said committee also inquire into the condition and wants of Deaf and Dumb Asylum, located at Iowa City, and report the facts to this General Assembly.

By leave, Mr. Tracy offered the following resolutions, which were laid over under the rule:

Resolved, That the Governor is hereby requested to inform this House as soon as practicable whether he has certified any lands to the Land Grant Railroads of this State since the meeting of the 10th General Assembly, and if so, *to what roads* and the amounts respectively, together with his reasons for so certifying.

Resolved, That the Register of the State Land Office is hereby

requested to inform this House as soon as practicable whether he has any information from the Department of the Interior at Washington, in relation to the construction put upon the act of Congress of June, 1864, relating to Iowa Land Grant Railroads, and the position the State now sustains to the grants of 1856.

By leave, Mr. Sapp offered the following report:

The Special Committee to whom was referred House File No. 7, A bill for an act to amend an act to define the time of holding Courts in the Third Judicial District in this State, have had the same under advisement, and they instruct me to report the same back to this House with the recommendation that it do pass:

W. F. SAPP, Chairman.

The bill was taken up and ordered to be engrossed for a third reading.

Mr. Travis moved to make the following resolution, the special order at 10 o'clock on Saturday next:

WHEREAS, Measures are pending in Congress, whereby it is proposed that the Constitution of the United States be so amended as to change the basis of representation,

Therefore be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested to use their influence to have the initiatory measures adopted by Congress, whereby the Constitution of the United States shall be so amended as to change the present basis of representation, and that no State shall be represented for any persons within its borders, who by the Constitution or laws of said State are excluded from the elective franchise on account of race or color.

Resolved, That a copy of these resolutions be forwarded by the Secretary of State to each of our Senators and Representatives in Congress.

The motion prevailed, and the resolution was made the special order for Saturday, January 27, at 10 o'clock.

By leave, Mr. Dudley introduced the following resolution:

Be it Resolved by the General Assembly of the State of Iowa, That the Constitution of this State be and it is hereby proposed to be amended by the adoption of the following, which shall be known as Article thirteen thereof, viz.:

ARTICLE XIII.

SECTION 1. Section 1, of Article 2, of the Constitution of this State is hereby so amended as to extend the elective franchise to every male person, whether naturalized or not, and without regard to color, of the age of twenty-one years, who shall have been a resident of this State six months, and of the county in which he claims his vote sixty days, and who shall have enlisted in any of the military forces of this State, and after such enlistment shall

have been duly mustered into the military service of the United States during the war of the Great Rebellion, and shall have served therein for a period of one year and been honorably discharged therefrom; *Provided*, no idiot or insane person, or person convicted of an infamous crime, shall be entitled to the privilege of an elector.

SEC. 2. At no election held by the people under the Constitution or in pursuance of any law of this State, shall any person be deemed a qualified voter and entitled to the privilege of an elector who has ever voluntarily been in armed hostility to the United States or to the lawful authorities thereof; or has ever given aid, comfort, countenance, or support to persons engaged in such hostility; or has ever, in any manner, adhered to the enemies, foreign or domestic, of the United States; or has ever disloyally held communication with such enemies; or has ever advised or aided any person to enter the service of such enemies; or has ever, except under overpowering compulsion, submitted to the authority or been in the service of the so-called "Confederate States of America;" or has ever left this State and gone within the lines of the armies of the so-called "Confederate States," with the purpose of adhering to said States or armies; or has ever been a member of or connected with any order, society or organization inimical to the Government of the United States or of this State; or who has, by reason of treasonable or disloyal acts or sentiments, been disfranchised by any law of the State where such acts or sentiments were committed or expressed; or has ever left or come into the State for the purpose of avoiding enrollment for or draft into the military service of the United States.

SEC. 3. After the first day of January, one thousand eight hundred and seventy-two, every person who was not a qualified voter prior to that time, shall, in addition to the other qualifications required by Section 1, of Article 2, of the New Constitution, be able to read in order to become a qualified voter, unless his inability to read shall be the result of a physical disability; but after said date, no person shall ever be excluded from the privileges of an elector merely on account of race, color or religion, nor shall the same ever be made a test of the exercise of the elective franchise.

SEC. 4. After the first day of January, eighteen hundred and seventy-four, the General Assembly shall have power, if a majority of all the members elected to both houses concur therein, to suspend or repeal any part of the second section of this article. On the passage of any act suspending or repealing said section, or any part thereof, the votes of both houses shall be taken by yeas and nays and entered on their respective journals.

SEC. 5. The General Assembly shall pass all laws necessary to carry into effect the provisions of this Article.

Resolved, That the foregoing proposed amendments be entered on the journals of the two houses, with the yeas and nays taken

thereon, to be referred to the 12th General Assembly, and that the Secretary of State be required to publish the same for three months previous to the election of the members of the said General Assembly, in one newspaper in each Senatorial District of this State in which there shall be a newspaper printed, and shall lay the proof of such publication before the next General Assembly.

Mr. Dudley moved to refer the resolution to the Committee on Constitutional Amendments. Carried.

By leave, Mr. Walden offered the following resolution which was adopted :

Resolved by the House of Representatives, That the Committee on Judiciary be instructed to inquire into the propriety and justice of an act disfranchising all residents of the State of Iowa who have borne arms against the United States, or who have been driven from another State for harboring guerrillas, or giving aid or assistance to our enemies, and to report by bill or otherwise.

By leave, Mr. Conway presented a petition from Nelson B. Gardner, and others, asking for an increase in the compensation of Public Officers.

Referred to the Committee on Compensation of Public Officers.

By leave, Mr. Runyan presented the following report :

The select Committee to whom was referred House File No. 18, A bill for an act fixing the time of holding courts in the Eighth Judicial District, have had the same under consideration, and recommend its passage.

RUNYAN, Chairman.

By leave, Mr. Palmer presented the account of C. & N. W. R. R. Co., for \$8.79.

The claim was referred to the Committee on Claims.

MESSAGE FROM THE GOVERNOR.

The following message was received from His Excellency, Gov. W. M. Stone, by G. J. North, Private Secretary :

STATE OF IOWA, EXECUTIVE DEPARTMENT, }
DES MOINES January 25, 1866. }

Gentlemen of the House of Representatives :

In compliance with the resolution of the 12th inst., requesting me to furnish your Honorable Body with such information as I may have touching the alleged outrages and cruelties inflicted upon the members of the First Iowa Cavalry and other regiments, I herewith transmit copies of telegrams and letters addressed by me to the Secretary of War upon this subject, the action of the War Department, and other documents, which embrace all the official information at my command relative to matters comprised in your resolution.

W. M. STONE.

The reading of the message being called for, Mr. Finkbine moved that the reading be dispensed with.

Mr. Flanders moved to amend by providing that the reading be postponed until to-morrow morning at 10 o'clock.

The amendment was lost.

The motion to dispense with the reading prevailed.

Mr. Finkbine moved that the message be laid on the table.

The motion to lay on the table prevailed.

Mr. Bolter moved that the vote by which the resolution concerning a change in the basis of representation was made the special order on Saturday next be reconsidered. Lost.

By leave, Mr. Maxwell introduced the following resolution, which was adopted :

Resolved, That the Committee on Printing be and they are hereby instructed to employ the Rev. Abraham Jacobson to translate the biennial message, and the inaugural address of the Governor into the Norwegian language.

By leave, Mr. Goodrich offered the following resolution, which was adopted :

Resolved, That House Bills Nos. 35 and 41, relating to the disposition of the relief fund, together with the substitute as offered by the member from Woodbury (Mr. Joy) be withdrawn from the Committee on Ways and Means, and referred to a Select Committee of which Mr. Joy of Woodbury, shall be Chairman, with instructions to examine the subject and report a bill suited to the different localities of the State.

The Speaker announced the Committee as follows : Messrs. Joy, Goodrich, McNutt, Sipple and Morgan.

By leave, Mr. Landes offered the following resolution, which was adopted :

Resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress are hereby requested to use their influence to procure the passage of a law for increased mail facilities, as follows : A tri-weekly route from Ocala, the county seat of Clark county, by the way of La Salle to Hopeville, in said county.

And that each member of Congress from this State be furnished with a copy of the above resolution.

By leave, Mr. Clark presented the claim of Dan. A. Poorman (for making a diagram of the House for the use of the Speaker,) amounting to \$15.

Referred to Committee on Claims.

Mr. Morgan asked and obtained leave of absence for Mr. Stockman, on account of continued illness.

Mr. Walden asked and obtained leave of absence for Mr. Martin until Wednesday next.

By leave, Mr. Walden presented a petition from Caleb Wint-

worth and others, asking for an increase in the fees of sheriffs.

The petition was referred to the Committee on Claims.

Mr. Darwin offered the following resolution from the Committee on Judiciary and moved its adoption.

Resolved, That the Committee on the Judiciary may order to be printed for its use such bills as the prompt discharge of its duties may necessitate.

Mr. Fellows moved to amend by striking out the words, "Judiciary Committee," and inserting in lieu thereof the words, "All Committees."

The motion to amend was lost.

The resolution was adopted.

Mr. Brown of Decatur offered the following Joint Resolution, which was adopted:

WHEREAS, There is a daily stage route from Chariton, Lucas county, Iowa, via Garden Grove, Iowa, to Leon, Decatur county, Iowa; therefore,

Be it Resolved by the General Assembly of the State of Iowa, That our Senators be instructed, and our Representatives in Congress be requested to use their influence to establish a daily mail route from Chariton, Lucas county, Iowa, via Garden Grove, Iowa, to Leon, Decatur county, Iowa, a distance of thirty-five miles.

That a copy of this resolution be forwarded to each of our Senators and Representatives in Congress.

Mr. Clark moved to adjourn until to-morrow morning, at 10 o'clock.

Mr. Burnett moved to amend by striking out "10 o'clock to-morrow," and inserting in lieu thereof the words "2 o'clock this afternoon."

On the motion to amend Mr. Burnett demanded the yeas and nays, which was seconded, and were as follows:

The yeas were Messrs. Abernethy, Alcorn, Bahl, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Emery, Fellows, Garber, Goodrich, Graves, Griffith, Hand, Knox, Landes, Lowdon, McPherson, Morgan, Olmstead, Palmer, Poindexter, Sapp, Safely, Serrin, Sipple, Tracy, Travis, West, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Mr. Speaker—43.

The nays were Messrs. Abbott, Ballinger, Barnes, Belt, Bennett, Brown of Van Buren, Brown of Winneshiek, Clark, Darwin, Dashiell, DeForest, Dudley, Dwelle, Finkbine, Flanders, Fry, Gary, Glasgow, Holmes, Holden, Huggins, Joy, Knapp, Leffingwell, Linderman, Martin, McNutt, McCullough, McLaughlin, McKean, Mills, Rogers, Rohlf, Runyan, Russell, Ryan, Sherman, Thacher, Tisdale, Thomson, Thorn, Walden, Wilcox, Wilson of Marshal, Williams of Winneshiek—45.

Absent, not voting, Messrs. Barker, Gamble, Gaylord, Garrett,

Godfrey, Hale, Maxwell, O'Brien, Stockman and Van Leuven—11.
So the amendment was lost.

Mr. Comfort moved to amend by striking out "10" and inserting "9."

The amendment was adopted.

The motion prevailed.

By leave, Mr. Darwin submitted the following report:

MR. SPEAKER:—I am instructed by the Committee on Judiciary to whom was referred House File No. 76, entitled a bill for an act to amend Chapter 28 of Revision of 1860 relating to County Surveyors to report their recommendation that the bill do not pass.

DARWIN, Chairman.

By leave, Mr. Finkbine submitted the following report:

The Committee on Ways and Means, to whom was referred House File No. 34, A bill for an act to repeal sub-division 23, Section 312, Chapter 22, of Revision of 1860, have instructed me to report the same back with the recommendation that it be referred to the Committee on County and Township Organizations, they having bills pertaining to the same subject under consideration.

R. S. FINKBINE, Chairman.

The report of the Committee was concurred in, and the bill so referred.

By leave, the same Committee presented the following report:

The Committee of Ways and Means, to whom was referred the resolution of the Board of Supervisors of Clinton county, have instructed me to report the same back without recommendation.

FINKBINE, Chairman.

By leave, the same Committee presented the following report:

MR. SPEAKER:—The Committee of Ways and Means, to whom was referred the resolution directing the Auditor to credit Story county with certain moneys, have instructed me to report the same back with the recommendation that it be referred to the Committee on Claims.

FINKBINE, Chairman.

The report of the Committee was concurred in, and the resolution so referred.

By leave, the same Committee presented the following report:

MR. SPEAKER:—The Committee of Ways and Means, to whom was referred the resolutions adopted by the City Council of Clinton, have had the same under consideration and instructed me to report the same back with the recommendation that the prayer of the petitioners be not granted.

FINKBINE, Chairman.

By leave, Mr. Palmer introduced House File No. 97, A bill for an act to repeal Sec. 4220 of the Revision of 1860, and to provide a substitute therefor.

Read a first and second time and referred to the Committee of the Judiciary.

By leave, Mr. Comfort introduced House File No. 98, A bill for

an act to amend Sec. 2 of Chap. 37 of the Acts of the 8th General Assembly, relating to the C. R. and Mo. R. R. Co., which was read a first and second times, and referred to Committee on Railroads.

On motion of Mr. Maxwell the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, JANUARY 26, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Journal of yesterday read and approved.

BILLS ON SECOND READING,

Being the regular order, House File No. 83, A bill for an act to repeal Sec. 2241 of the Revision of 1860, and enact a substitute therefor, prescribing the mode of indexing the conveyances of town lots in cities and towns, was taken up, and referred to Committee on Judiciary.

House File No. 3, A bill for an act amendatory to an act entitled an act fixing the times for holding Court in the Sixth Judicial District, approved April 3d, 1862, together with a substitute for the bill, was taken up.

The substitute being adopted and ordered engrossed, Mr. Burnett moved that the rule be suspended, the bill be considered engrossed, and read a third time now. Carried.

The bill was read a third time, and upon the question "shall the bill pass?"

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiel, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travia, Tisdale, Thomson, Thorn, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of

Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—93.

Absent, and not voting, Messrs. Ballinger, Godfrey, Martin, Stockman and Van Leuven—5.

So the bill passed, and the title was agreed to.

House File No. 57, A bill for an act to authorize the Board of Supervisors to compromise certain judgments in favor of the State, was taken up.

Mr. Sapp moved to amend by inserting after the fifth line of Section 1, "or any of the counties in said State."

The Motion to amend prevailed.

Ordered that the bill be engrossed, and read a third time.

House File No. 60, A bill for an act to amend Section 4220, of Chapter 165, of the revision of 1860, was taken up, and referred to the Committee on the Judiciary.

House File No. 15, A bill for an act to repeal Section 4993, of revision of 1860, was taken up, together with a substitute therefor.

The substitute being adopted.

Ordered that the bill be engrossed and read a third time.

House File No. 54, A bill for an act providing for change of venue in preliminary examinations before a Justice of the Peace, was taken up.

On motion of Mr. Hale, the amendments recommended by the Committee of Judiciary, were adopted and the bill ordered engrossed and read a third time.

House File No. 56, A bill for an act to amend the law in relation to the competency of witnesses, was taken up and ordered engrossed for a third reading.

House File No. 80, A bill for an act to repeal Chapter 41, of the acts of the Fifth General Assembly, entitled an act to encourage agriculture and mechanic arts in Johnson County, approved July 20, 1855, was taken up, and it was ordered that the bill be engrossed and read a third time.

House File No. 52, A bill for an act to amend Chapter 46, Article first of the revision of 1860, in relation to laying and establishing County roads, was taken up.

Mr. Maxwell moved that the bill be laid on the table. Carried.

House File No. 70, A bill for an act relating to persons who are liable to work the roads, was taken up.

Mr. Maxwell moved that the bill be indefinitely postponed. Carried.

House File No. 94, A bill for an act to authorize Courts upon granting change of venue in criminal cases to require witnesses to enter into recognizance for their appearance at the court to which such change of venue may be granted, was taken up.

Mr. Tracy moved that the blank in Section 1st be filled with the words "\$150."

Mr. McKean moved to fill the blank with the words \$150 in the district courts and fifty dollars in a Justice's court.

Mr. McNutt moved to further amend by adding after the word "granted," in the last line of the first Section, the words "or in case of failure to give such recognizance to be imprisoned in the county jail until the day of trial."

Mr. Gamble moved that the bill, with the proposed amendments, be recommitted to the Committee on Judiciary. Carried.

House File No. 75, A bill for an act to amend Section 3362 of the Revision of 1860 in relation to administering oaths to appraisers, with the amendments proposed by the Committee, was taken up.

On motion of Mr. Wilson, of Jackson, the amendments reported by the Committee were concurred in.

Ordered that the bill be engrossed and read the third time.

House File No. 66, A bill for an act to provide for the distribution of the Adjutant General's Report of Jan. 1st, 1866, was taken up.

Mr. Fellows moved to amend the bill by providing for furnishing County Treasurers with a copy of said report, upon the conditions as a copy is furnished to County Judges. Carried.

Mr. Wilson of Jackson, moved to add Sheriffs, with same conditions. Carried.

Mr. Tisdale moved to add County Superintendents of Common Schools, with same conditions. Carried.

Ordered that the bill be engrossed and read a third time.

House File No. 18, A bill for an act fixing the time of holding Courts in the Eighth Judicial District, was taken up.

Ordered that the bill be engrossed and read a third time.

House File No. 69, A bill for an act making provisions for the settlement of all liabilities of the State and University growing out of the sale of certain lands in Appanoose County, sold as Saline Lands, was taken up.

Mr. Belt moved the bill be laid on the table and printed. Lost.

Ordered that the bill be engrossed and read a third time.

REPORT OF COMMITTEE.

The Committee on Engrossed Bills presented the following reports:

The Committee on Engrossed Bills to whom was referred House File No. 55, A bill for an act to change the manner of electing Township Trustees and the length of time they shall remain in office, have had the same under examination and find the same correctly engrossed.

A. R. MILLS.

The Committee on Engrossed Bills to whom was referred House File No. 14, An act to provide for the printing and distribution of

the Governor's Biennial Message, beg leave to report that they have had the same under examination and find the same correctly engrossed.

A. R. MILLS.

The Committee on Engrossed Bills to whom was referred House File No. 30, A bill for an act extending the powers of the Auditor of State, would respectfully report that they have examined the same and find it correctly engrossed.

A. R. MILLS.

House File No. 6, A bill for an act defining the duties of the Register of the State Land Office, was taken up, and the amendments recommended by the committee concurred in.

Ordered that the bill be engrossed and read a third time.

Mr. Finkbine moved that when the House adjourn, it be until to-morrow morning, at 9 o'clock. Carried.

House File No. 59, A bill for an act to prevent the importation, running at large and sale of horses being diseased with gleet or glanders, together with the substitute offered by the committee, was taken up.

The substitute was adopted.

Ordered that the bill be engrossed and read a third time.

Mr. Tisdale submitted the following report:

The Committee on Enrolled Bills have examined House File No. 16 and the Joint Resolution relating to appointment of a committee to visit the Penitentiary.

Also, Senate File Nos. 4 and 27, find the same correctly enrolled, and present them for your signature.

G. J. TISDALE, Chairman.

House File No. 67, A bill for an act to amend Section 768, of Chapter 45, of the Revision of 1860, was taken up.

Mr. Maxwell moved that the bill be indefinitely postponed. Carried.

House File No. 96, A bill for an act to amend Section 710, Chapter 45, and Section 312, Chapter 22, of Revision of 1860, was taken up.

Mr. Fry presented a substitute and moved its adoption.

Mr. Finkbine moved to refer the bill and substitute to the Committee on Roads and Highways. Carried.

House File No. 76, A bill for an act to amend Chapter 28, of Revision of 1860, relating to County Surveyors, was taken up.

After consideration, Mr. Barker moved to recommit the bill to the Committee on Compensation of Public Officers. Carried.

Leave of absence was granted Mr. Griffith for five days.

Leave of absence was granted Mr. McPherson, until next Monday.

On motion of Mr. Tracy, the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
 DES MOINES, January 27, 1866. }

House met pursuant to adjournment. .

Speaker in the Chair.

Prayer by Rev. Mr. Childs.

Journal of yesterday read and approved.

Mr. Glasgow asked leave of absence for C. S. Wilson, 1st Assistant Clerk of House of Representatives, until next Monday, which was granted.

Mr. Sapp asked leave of absence for Mr. Hale, for seven days, which was granted.

Mr. Brown of Madison, asked leave of absence for Mr. Thacher, for one day, which was granted.

BILLS ON THIRD READING.

House File No. 30, A bill for an act extending the powers of the Auditor of State, was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Barnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Graves, Hand, Holmes, Holden, Knapp, Knox, Landes, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—81.

In the negative, Mr. O'Brien.

Absent, not voting, Messrs. Ballinger, Barker, Darwin, Godfrey, Goodrich, Griffith, Hale, Huggins, Joy, Leffingwell, Martin, McPherson, Rogers, Stockman, Thacher, Wilson of Dubuque—16.

House File No. 14, A bill for an act to provide for the printing and distribution of the Governor's Biennial Message, was read a third time, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Belt, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Conway, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Glasgow, Goodrich, Graves, Holden,

Linderman, McNutt, McCullough, McLaughlin, McKean, Mills, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Tracy, Tisdale, Thomson, Thorn, Walden, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—51.

The nays were Messrs. Barnes, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Close, Comfort, Crawford, Dashiell, Fellows, Gamble, Gaylord, Gary, Garrett, Garber, Hand, Holmes, Knapp, Knox, Landes, Lowdon, Maxwell, Morgan, O'Brien, Ryan, Sipple, Travis, Van Leuven, Wilson of Dubuque—32.

Absent and not voting, Messrs. Ballinger, Barker, Darwin, Godfrey, Griffith, Hale, Huggins, Joy, Leffingwell, Martin, McPherson, Rogers, Stockman, Thatcher, Wright—15.

House File No. 55, A bill for an act to change the manner of electing Township Trustees, and the length of time they shall remain in office, was read a third time.

Mr. Close moved that the bill be recommitted to the Committee on County and Township Organization with instructions to amend by making provision that three Township Trustees be elected at the next general election, and that their term of office be determined by lot.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order, being a resolution relative to the proposed amendment to the Constitution of the United States, concerning the basis of representation in the different States where persons are excluded from the elective franchise on account of race or color, Mr. Sapp moved that the subject be laid on the table.

The motion to lay upon the table prevailed.

PETITIONS.

Mr. Runyan presented a petition from sundry citizens of Benton county, praying for increased jurisdiction for county Courts.

Referred to the Committee on Judiciary.

Mr. Abbott presented a petition from sundry citizens of Dallas county, praying for a change of the mode of transaction of county business.

Referred to the Committee on County and Township Organization.

Mr. Goodrich presented a petition from the citizens of Fayette county, praying for increasing fees of Recorders of Deeds.

Referred to the Committee on County and Township Organization.

Mr. Wilson of Marshall, presented a petition from citizens of

Marshall county, praying for reduction of tariffs on freight on Railroads, and requiring Railroad Companies to become responsible as common carriers.

Referred to Committee on Commerce.

Mr. Mills presented a petition from citizens of Greene county, asking additional compensation for County Recorders.

Referred to the Committee on County and Township Organization.

Mr. Emery presented a petition from citizens of Poweshiek county, praying that the per diem of County Surveyors be increased.

Referred to the Committee on Compensation of Public Officers.

Mr. West presented a petition from citizens of Henry county, to encourage growth of timber.

Referred to the Committee on Agriculture.

Mr. Safely presented a petition from citizens of Cedar county, praying for a reduction of fare and tariff for freight on the Mississippi and Missouri Railroad.

Referred to the Committee on Commerce.

Mr. Safely presented a petition from citizens of Cedar county, praying for a reduction of tariff of freight on Railroads in this State.

Referred to the Committee on Commerce.

Mr. McCullough presented a petition from the members of the Third Iowa Regiment, praying for an appropriation for each member of said regiment, for clothing deducted from their pay, that was furnished to them by the State of Iowa.

Referred to the Committee on Military Affairs.

Mr. West presented a petition from citizens of Salem, Henry County, praying for the suppression of intemperance.

Referred to the Committee on the Suppression of Intemperance.

Mr. Tracy presented a petition from citizens of Henry County praying for non-repeal of prohibitory liquor law.

Referred to the Committee on the Suppression of Intemperance.

Mr. Tracy presented a petition from the citizens of Butler and Grundy Counties asking the passage of a law prohibiting the sale of beer, wine and cider.

Referred to the Committee on the Suppression of Intemperance.

Mr. Tracy presented a petition from the citizens of Clinton County, against the repeal of the prohibitory liquor law or any change in the same.

Referred to the Committee on the Suppression of Intemperance.

Mr. Tracy presented a petition from the citizens of Henry County, remonstrating against the repeal of the prohibitory liquor law

Referred to the committee on the Suppression of Intemperance.

Mr. Serrin presented a petition from sundry citizens of Iowa County, requiring Rail Road Companies to fence their roads.

Referred to the Committee on Commerce.

Mr. Finkbine presented a petition from members of the Board of Curators of the State Historical Society, praying for an increase of \$1500 in the annual appropriation to that institution.

Referred to the Committee on Schools.

Mr. Huggins presented a petition from the Board of Supervisors and sundry citizens of Ringgold County, asking increase in jurisdiction of County Judges.

Referred to Committee on Judiciary.

Mr. Brown, of Madison, presented a petition from sundry citizens of Madison county praying for the increase of pay of County Judge. Referred to the Committee on Compensation of Public Officers.

Mr. Brown, of Madison, presented a petition from sundry citizens of Madison county authorizing the County Surveyors to establish lost corners by living testimony. Referred to the Committee on Judiciary.

REPORTS OF COMMITTEES.

Mr. Clark from the Committee on Claims, submitted the following report:

The Committee on Claims to whom was referred the petition of A. J. Van Duzee, and twenty others, citizens of Dubuque, asking relief for one George Higley of Dubuque, Iowa, who was on the 22d day of February, 1865, a private in the regular city battery—an artillery company organized under the laws of Iowa—and who lost his right arm by the premature explosion of a gun, while in the line of his duty, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to this House, with the accompanying bill and recommend its passage.

S. CLARK, Chairman.

House File No. 99 was read a first and second time and passed upon the Files.

Mr. Clark, from the Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred the claim of Dan A. Poorman, for a diagram of the House of Representatives (now on the Speaker's Stand) for the sum of fifteen dollars, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to this House, and recommend that ten dollars be allowed, and that the same be referred to the Committee on Ways and Means, with instructions that the said amount be included in the general appropriation bill.

L. CLARK, Chairman.

The report was concurred in, and the account was referred to the Committee on Ways and Means.

The following report was also submitted by Mr. Clark, and the same disposition made in regard to the Claim.

The Committee on Claims to whom was referred the claim of the Chicago & Northwestern Railroad Company for transportation furnished upon requisition of N. B. Baker, Adjutant-General of Iowa, for the sum of \$8.79, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the House, and recommend that said claim be allowed and that the same be referred to the Committee on Ways and Means with instruction that the same be included in the general appropriation bill.

L. CLARK, Chairman.

By Mr. Glasgow: Your Committee on Military Affairs being directed by resolution of the House to inquire into the expediency of providing the Adjutant General with additional copies of his reports for 1864 and 1865, for distribution to certain officers, have instructed me to report the following bill to the House and recommend that it do pass.

S. L. GLASGOW, Chairman.

The bill (House File No. 100, A bill for an act providing for the distribution of the Adjutant General's Report) was read a first and second times, and passed upon the files.

By Mr. Maxwell: The Committee on Roads and Highways, to whom was referred House File No. 91, have had the same under consideration, and in the opinion of the Committee the law as it stands meets fully the ends of justice. The Committee have therefore instructed me to report the bill back with the recommendation that it *do not pass*.

All of which is respectfully submitted.

GEO. M. MAXWELL.

By Mr. Close: Your Committee on County and Township Organizations, to whom was referred the petition of the Board of Supervisors of Benton county asking for an amendment to Section 397 of the Revision of 1860, have had the same under consideration, and have instructed me to report the same back with bill, in compliance with the prayer of said petitioners, with recommendation that it do pass.

C. CLOSE, for Committee.

House File No. 101 (from the Committee on County and Township Organization) was read a first and second time and passed upon the Files.

By Mr. Joy: The Special Committee to whom was referred House Files Nos. 41 and 35 with the substitute therefor, have had the same under consideration, and have instructed me to report the same back with a substitute therefor, and recommend that the substitute do pass.

WM. L. JOY, Chairman.

The bill (substitute for House File No. 35 and 41) was read a first and second times and passed upon the Files.

By Mr. Tisdale: The Select Committee to which was referred the joint resolution memorializing Congress to amend the act granting certain lands to the McGregor Western Railroad Company for the construction of a railroad on the 43d parallel westward from McGregor, have had the same under consideration and have instructed me to report a substitute with the recommendation that it pass.

G. J. TISDALE, Chairman.

The bill (House File No. 102, A bill for an act in relation to the manner of conveying lands to the McGregor Western Railroad Company, by the State of Iowa, which are subject to be conveyed to the State of Iowa, by the United States for the use of the McGregor Western Railroad Company, according to an act of Congress passed July 12; 1864, for rail road purposes), was read a first and second time and ordered to be laid on the table and printed.

By Mr. Joy: The Committee on Compensation of Public Officers have had under consideration the subject of the increase of the salaries of the Judges of the District and Supreme Court, and have instructed me to report to the House the accompanying bill, and recommend that the same do pass.

WM. L. JOY,

Chairman Com. on Compensation of Pub. Officers.

House File No. 103, (from Committee on Compensation of Public Officers), A bill for an act fixing the salaries of the District and Supreme Judges, was read a first and second times, and made the special order for 10 o'clock A. M., next Tuesday.

By Mr. Bolter: Your Select Committee authorized to present testimony relative to House File No. 63, have duly examined the testimony pertaining thereunto, and respectfully ask leave to present, for the consideration of this House, the following, to-wit:

1. That part of the report of the Register of the State Land Office, (Mr. Harvey) on pages 12 to 14.

2. The certified statement of disinterested parties acquainted with the facts in the case, attached to the petition.

Your committee would further request that an additional clause be added to Section 1, to read as follows:

Matilda P. Ratliff, the forty acres on which she now resides.

Also, that the last section be stricken out; and after so amended that the bill do pass.

L. R. BOLTER, Chairman Select Com.

RESOLUTIONS LAID OVER UNDER THE RULE.

The following resolutions previously presented and laid over under the rule, were taken up and adopted:

Resolved, That the Register of the State Land Office is hereby requested to inform this House as soon as practicable whether he has any information from the Department of the Interior at Wash-

ington in relation to the construction put upon the act of Congress of June, 1864, relating to Iowa Land Grant Railroads and the position the State now sustains to the grants of 1856.

Resolved, That the Governor is hereby requested to inform this House as soon as practicable whether he has certified any lands to the Land Grant Railroads of this State since the meeting of the Tenth General Assembly, and if so, to what roads and the amount respectively, together with his reasons for so certifying.

Upon the Joint Committee to whom shall be referred so much of the Governor's message as refers to claims against the United States, the Speaker appointed Messrs. Glasgow, Sherman and Sipple.

Mr. Barker moved that the rule be suspended, and that House File No. 30 be immediately transmitted to the Senate.

The motion prevailed and the bill was accordingly sent to the Senate.

MESSAGE FROM THE SENATE.

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed a concurrent resolution relative to binding and distributing public documents published by either branch of the General Assembly.

Also a concurrent resolution relative to changing the fifth joint rule of the two houses, which resolutions are transmitted herewith, and in which the concurrence of the House is respectfully asked.

Also that the Senate has concurred in the House resolution appointing a Joint Committee to visit the State University and the Deaf and Dumb Asylum, which is returned herewith, and that Senator McJunkin has been appointed a member of said Committee on the part of the Senate.

Also that Senator Stiles has been appointed a member of the Joint Committee on the part of the Senate to visit the State Penitentiary.

JAMES M. WEART, Asst. Secretary.

INTRODUCTION OF BILLS.

Mr. Williams of Des Moines, introduced House File No. 104, A bill for an act authorizing the Sub-Division of Lands in certain cases and requiring the plats thereof to be recorded.

The bill was read a first and second time and referred to the Committee on Judiciary.

Mr. Goodrich introduced House File No. 105, A bill for an act to amend Chapter 22, of the laws of 1864, providing for the early distribution of the decisions of the Supreme Court among District Judges.

The bill was read a first and second time and referred to the Committee on Judiciary.

Mr. Garber introduced House File No. 106. A bill for an act to pay bounty on scalps of certain wild animals.

The bill was read a first and second time and referred to the Committee on Agriculture.

Mr. Maxwell introduced House File No. 107, A bill for an act to provide for the distribution of public documents.

The bill was read a first and second time.

Mr. Rogers moved that the bill be referred to the Committee on Expenditures.

The motion did not prevail.

Mr. Close moved that the bill be laid upon the table.

The motion to lay upon the table was lost.

Mr. Bennett moved that the bill be indefinitely postponed.

The motion to indefinitely postpone was decided in the negative.

Mr. Williams of Winneshiek, moved that the bill be made the special order for Tuesday next at 10 A. M.

The motion was adopted.

Mr. Abernethy introduced House File No. 108, A bill for an act to extend the elective franchise.

The bill was read a first and second time and referred to the Committee on Elections.

Mr. Knapp introduced House File No. 109, A bill for an act authorizing the county of Hardin to levy a tax for the purpose of equalizing the bounty of all soldiers who have volunteered from said county during the late war.

The bill was read a first and second time and referred to the Committee on the Judiciary.

Mr. Clark introduced House File No. 110, A bill for an act to amend Section 1587, of the Revision of 1860.

The bill was read a first and second time and referred to the Committee on the Suppression of Intemperance.

Mr. Leffingwell introduced House File No. 111, A bill for an act to amend an act entitled vacancies and special elections.

The bill was read a first and second time and referred to the Committee on the Judiciary.

Mr. Holden introduced House File No. 112, A bill for an act limiting the value of Homesteads exempt from execution.

The bill was read a first and second time and referred to the Committee on the Judiciary.

Mr. Brown of Van Buren, introduced House File No. 113, A bill for an act to amend Chapter 84, acts of the Tenth General Assembly, entitled an act to organize and discipline the militia.

The bill was read a first and second time and referred to the Committee on Military Affairs.

Mr. McNutt introduced House File No. 114, A bill for an act

relating to corporations, and in amendment of Chapter 52, of the Revision of 1860.

The bill was read a first and second time and referred to the Committee on Incorporations.

Mr. Williams of Winneshiek, introduced House File No. 115, A bill for an act to amend Sections 84 and 85, of the general school act passed at the Ninth General Assembly of the State of Iowa.

The bill was read a first and second time and referred to the Committee on Schools.

Mr. Gaylord introduced House File No. 116, A bill for an act to provide for the erection of school houses.

The bill was read a first and second time and referred to the Committee on Schools.

Mr. Palmer introduced House File No. 117, A bill for an act in relation to the County Court.

The bill was read a first and second time and referred to the Committee on Judiciary.

Mr. Russell introduced House File No. 118, A bill for an act to provide for the publication of the laws and of the proceedings of the boards of supervisors in the several counties.

The bill was read a first and second time, and referred to the Committee on Printing.

Mr. Palmer introduced House File No. 119, A bill for an act to amend Chapter 102 of the Revision of 1860.

The bill was read a first and second time and referred to the Committee on Judiciary.

Mr. Sherman introduced House File No. 120, A bill for an act to provide for the perpetuation of the United States Surveys, and defining the duties of county surveyors.

The bill was read a first and second time.

Mr. Sherman moved that the bill together with all others relating to the same subject be referred to a select Committee of which Mr. Williams of Des Moines, should be Chairman.

The motion prevailed, and the Speaker appointed as additional members of such Committee, Messrs. Wilson of Dubuque, Dwelle, and Abbott.

Mr. Gamble introduced House File No. 121, A bill for an act to extend the elective franchise.

The bill was read a first and second time and referred to the Committee on the Judiciary.

RESOLUTIONS.

Mr. Rogers introduced the following resolutions :

1. *Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested to oppose by all lawful means the admission of members from the States lately in rebellion to seats in either branch of Con-*

gress until sufficient guarantees shall have been provided for securing to the race lately emancipated in such States the substantial enjoyment of all the rights of freemen; against any assumption or payment of the rebel war debt; and until satisfactory evidence shall be afforded of genuine loyalty to the United States on the part of the persons claiming admission to such seats, and that such admission will be consistent with the safety of the Union.

2. *Resolved*, That the Secretary of State be instructed forthwith to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

The resolution was referred to the Committee on Federal Relations.

Mr. Bolter introduced the following preamble and resolutions which were referred to the Committee on Federal Relations.

WHEREAS, The history of past generations conclusively proves that two distinct and separate races cannot harmoniously exist together, inasmuch as the experiment has ever resulted in the slavery or extinction of the one or the other, or what is worse, the amalgamation of the two which destroys both, and

WHEREAS, The odious institution of human slavery is prohibited within the limits of the United States, as we trust forever, and

WHEREAS, The question as to the future status of the black man is constantly forcing itself upon us for solution, and

WHEREAS, The late President of the United States, and other eminent statesmen are known to have been favorable to the colonization of the negro race, and

WHEREAS, The Republic of Liberia is offering great migratory inducements to the freedmen of this country, therefore

Be it resolved by the House of Representatives, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested to use all honorable means to secure the passage of an act by which material aid in transportation and otherwise shall be rendered to all persons of African descent who may be willing to emigrate to Liberia, to the end that a wholesome system of colonization be inaugurated, thereby observing the plainly apparent and fixed laws of nature, and releasing both races from the inevitable penalty which follows the violation of the same, and promoting the welfare, peace, prosperity, and happiness, not only of our own race, but of the unfortunate negro race now looking to us for beneficial legislation.

Mr. Wilson of Jackson, introduced the following resolution :

Be it resolved by the members of the House of Representatives of the State of Iowa, That the Committee on Judiciary, be requested to enquire into the following subjects, and to report at their earliest convenience by bill or otherwise :

1. The necessity of amending Section 2 of Chapter 168 of the Laws passed at the Ninth General Assembly, defining the duties

and fixing the compensation of county treasurers, so as to increase the penalty therein contained.

2. Whether the county treasurer of any county has the right to charge commission on the amount of taxes certified to by him according to law, and if not, what legislation is necessary to have the same corrected wherever practiced in this State.

3. Whether any law is necessary to define further, the duty of assessors in valuing non-resident lands.

The resolution was lost.

Mr. Sapp introduced the following resolution, and moved that it lie upon the table. Carried.

Resolved, That the Committee on Constitutional Amendments be instructed to report to this House at an early day an amendment to the Constitution of this State disfranchising all such persons as have borne arms against the Government of the United States, or who have engaged in the military service in the interest of what is known as the Southern Rebellion, waged from the year 1861 to 1865.

Mr. Clark introduced the following resolution, which was adopted :

Resolved, That the House take up so much of the report of the Register of the State Land Office, as refers to claims filed with and allowed by the Board of Commissioners, appointed for the purpose of ascertaining the liabilities of the Des Moines River Improvement, and other purposes, and that the same be referred to the Committee on Improvement of the Des Moines River.

Mr. Boomer introduced the following resolution which was adopted :

Resolved, by the House of Representatives, the Senate concurring, That there be a Committee of two members appointed upon the part of the House, and one member on the part of the Senate to visit the Insane Asylum at Mt. Pleasant, Iowa, and examine into its condition and wants, and report by — day of February next.

Mr. Tisdale introduced the following resolution :

Resolved, That the Committee on the Suppression of Intemperance, be instructed to inquire into the expediency of so amending the Liquor Law, as to punish the sale of *all* alcoholic liquors, including beer, wine and cider, as the sale of certain spirituous liquors is now punished, and to report by bill or otherwise.

On motion of Mr. Russell, the Resolution was laid upon the table.

Mr. Poindexter introduced the following resolution which was adopted :

Resolved, That the Committee on Schools be requested to inquire into the expediency of amending the School Laws so as to admit persons to the public schools over 21 years of age, who have

been in the Military Service of the U. S., or this State, and to report by bill or otherwise.

Mr. Alcorn offered the following Resolution which was referred to the Committee on the Des Moines Improvement.

Resolved, That the Committee on the Des Moines River Improvement be, and they are hereby instructed to inquire into the expediency of reporting a bill to this House, permitting George C. Goss and Thos. G. Pierce of the County of Webster, Rosco Royster, E. H. West and Wesly McKinney of the County of Hamilton, or their heirs or legal representatives to re-purchase from the State the lands the title to which they surrendered under the act, approved April 2, 1860, entitled "an act making provisions for the settlement of all liabilities of the State, growing out of the sale of certain lands of the Des Moines River Improvement Grant, as school lands, the price to be that of the original contract, with interest at ten per cent to the date of re-purchase.

Mr. Knox offered the following, which was adopted :

Resolved, That the Committee on schools be instructed to inquire into the expediency of so amending the school law as to make it the duty of the Secretary of School Districts to collect such statistics from sub-districts, as are now required from the sub-director, and also provide that teachers shall make a report to the Secretary, of the number of scholars enrolled, male and female, average number in daily attendance, branches taught, and cost of tuition per week, and provide for compensation of the Secretary, and to report to the House by bill or otherwise.

Mr. McNutt introduced the following resolution, which was adopted :

Resolved, the Senate concurring, that the Secretary of State be authorized to have printed on parchment, two hundred copies of the "Joint Resolution" ratifying the amendment to the United States Constitution, abolishing slavery, to which shall be attached the names of the members of this General Assembly, showing the vote of each member ; and to furnish to each member and officer of the same, a copy of said resolution, and also one to each State officer ; and to have two framed, and put up, one in the State Library and one in the Library of the State Historical Society.

Mr. Goodrich introduced the following resolution, which was adopted :

Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the passage of a law declaring the River known as the Turkey River, in the State of Iowa, to be, *not a navigable stream*, from a point near Eldorado, in Fayette County, up to which the said River is now navigable as per United States Survey, down to the point of its confluence with the waters of the Volga River, and that the Secretary of State be

directed to forward to each of our Senators and Representatives at Washington a certified copy of this Resolution.

Mr. Graves introduced the following Resolution, which was adopted :

Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be and are hereby instructed, and our Representatives requested to use their influence to secure at their earliest possible time the establishment of semi-weekly mail and mail facilities from Fort Dodge *via* Dakota, Waucosta, Fern Valley and Emmetsburgh, on the east side of the Des Moines river to Estherville, in the County of Emmett.

And be it further resolved, That a copy of this resolution be forwarded by the Secretary of State to each of our Senators and Representatives in Congress, and to the Postmaster General of the United States.

Mr. Safely introduced the following resolution :

Resolved by the House of Representatives of the State of Iowa, That the Committee of State University be and hereby is instructed to inquire into the expediency of making an appropriation for the purpose of constructing a heating apparatus in the State University building similar to that now used in the State Capitol, and that said Committee report to this House their opinion in regard to such an appropriation.

The resolution was referred to the Committee appointed to visit the State University.

Mr. Williams, of Des Moines, introduced the following resolution, which was adopted :

Be it resolved by the General Assembly of the State of Iowa, That our members in Congress be required to use their influence to procure a tri-weekly mail from city of Burlington *via* Toolsborough to Port Louisa, in Louisa county.

Mr. Dwelle introduced the following resolution, which was adopted :

Be it resolved by the General Assembly of the State of Iowa, That our Senators be and are hereby instructed, and our Representatives in Congress requested to use their influence to secure at their earliest possible time the establishment of the following mail routes, to-wit: A tri-weekly mail from Newberg, in Mitchell county, Iowa, to Northwood, county-seat of Worth county, and *via* Hartland to Bristol, Worth county, Iowa.

Also a weekly mail from Northwood, county-seat of Worth, on the most practicable route to Mason City, Cerro Gordo county.

Also a semi-weekly mail from Northwood, Worth county, *via* Gordonville P. O., Shellrock City P. O., to Albert Lee, Minnesota.

And be it further resolved, That a copy of this resolution be forwarded by the Secretary of State to each of our Senators and Representatives in Congress.

MESSAGES FROM THE SENATE.

Senate File No. 36, A bill for an act to legalize the articles of incorporation of the Norwegian Lutheran College of Decorah, Iowa, was read a first and second time, and on motion of Mr. Maxwell, referred to a select committee of three, of which Mr. Barker was named as Chairman.

The Speaker appointed Messrs. Brown and Williams of Winnebuck, as the other members of such committee.

Senate File No. 20, A bill for an act amending Section 4324 of the Revision of 1860 in relation to willful trespass, was read a first and second time, and referred to the Committee on the Judiciary.

The following resolution was read and referred to the Committee on Rules :

Resolved by the Senate, the House of Representatives concurring, That Joint Rule No. 5 be stricken out and that the following be substituted therefor :

When bills are enrolled they shall be examined by a Committee of two from the Senate, if they originated in the Senate, and by a Committee of two from the House of Representatives, if they originated in the House of Representatives. These standing Committees shall carefully compare the enrollment with the engrossed bills, as passed in the Houses, correct any error therein and make report forthwith to their respective Houses.

Mr. Rogers moved that the following Resolution be amended by striking out the words "the House concurring."

Resolved by the General Assembly of the State of Iowa, the House concurring, That all public documents, (including printed reports of Committees) published by either branch of the General Assembly, be placed in the hands of the Secretary of State by the State Printer or Binder, and that he retain in his own hands three hundred copies of each published in the English language and shall furnish to each member of the 11th General Assembly one bound copy of the same, including also the reports and documents mentioned in Chapter 114 of the acts of the 10th General Assembly and that the Secretary of State dispose of the balance of said bound volumes as provided for in said Chapter 114.

The Resolution as amended was adopted.

Mr. Bennett moved that this House do now adjourn until Monday next at 10 o'clock A. M. Lost.

Mr. Rogers moved that the House do now adjourn until Monday next at 9 o'clock A. M.

The motion prevailed and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, {
DES MOINES, Jan. 29, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Dr. Peet.

Journal of yesterday read and approved.

Mr. McNutt moved that the vote by which the House on Saturday adopted a resolution providing for the printing upon parchment of the Joint Resolution ratifying the Constitutional amendment abolishing slavery, be reconsidered.

The motion to reconsider prevailed.

Mr. McNutt moved that the resolution be amended by adding the following, to-wit:

Provided, That the entire cost shall not exceed one dollar per copy.

The amendment was adopted.

The resolution as amended was adopted.

BILLS ON SECOND READING.

House File No. 99, A bill for an act for the relief of George Higley of Dubuque, Iowa, was taken up.

Mr. Flanders moved that "\$400" be stricken out, and "\$800" be inserted in lieu thereof.

Mr. Poindexter moved that the bill be recommitted with instructions to report a bill providing a pension for the said George Higley.

The motion to recommit did not prevail.

Mr. Hand moved to amend by inserting "\$1,000" instead of "\$800." Lost.

The motion to strike out "\$400" and insert "\$800" was adopted.

The bill was ordered to be engrossed and read a third time.

House File No. 100, A bill for an act providing for the distribution of the Adjutant General's reports of 1864-5, was taken up, considered and ordered to be engrossed and read a third time.

House File No. 91, A bill for an act to repeal Section 824 of the Revision of 1860, was taken up.

Mr. Burnett moved that the bill be indefinitely postponed. Carried.

House File No. 101, A bill for an act to amend Section 307 of Chapter 22 of the Revision of 1860, was taken up.

Mr. Close moved that the bill be recommitted. Carried.

House Substitute for House Files No. 35 and 41, was taken up. The Substitute was adopted and ordered to be engrossed and read a third time.

House File No. 63, A bill for an act to secure to certain persons

residents of Harrison County, their homes at the price of \$1.25 per acre of lands known as the excess 500.000 grant, was taken up, and ordered to be engrossed and read a third time.

The Committee on Engrossed Bills reported that they had examined House Files No. 6, defining the duties of the Register of the Land Office; No. 7 defining the time of holding courts in the Third Judicial District; No. 15, to amend Section 4993 of the Revision of 1860; No. 18, fixing the time for holding courts in the 8th Judicial District; No. 54, providing for a change of venue; No. 56, an act in relation to the competency of witnesses; No. 57, an act to authorize Boards of Supervisors to compromise certain judgments; No. 59, an act to prevent nasal gleet, glanders or button farcey; No. 69, an act making provisions for the settlement of certain land bills in Appanoose County; No. 75, an act to amend Section 3362 of 1860; No. 80, an act to repeal Chapter 41 of the 5th General Assembly and found them correctly enrolled.

BILLS ON THIRD READING.

House File No. 7, A bill for an act to amend an act to define the time of holding Courts in the Third Judicial District, in the State of Iowa, was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Louisa, Brown of Winneshiek, Brown of Madison, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiel, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCulloch, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Ryan, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—82.

Absent or not voting, Messrs. Ballinger, Barker, Brown of Decatur, Brown of Van Buren, Godfrey, Hale, Huggins, Martin, McPherson, Runyan, Russell, Sapp, Sherman, Stockman, Wright, Wilson of Dubuque—16.

So the bill passed and the title was agreed to.

House File No. 57, A bill to authorize the board of supervisors to compromise certain judgments in favor of the State, was read a third time.

Mr. Tracy moved that the bill be recommitted with instructions

prohibiting board of supervisors from compromising judgments in criminal cases. Carried.

House substitute for House File No. 15, A bill for an act to amend Section 4993 of the Revision of 1860, was read a third time.

And upon the question "Shall the bill pass" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlfis, Russell, Ryan, Sapp, Safely, Serrin, Sipple, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—79.

The nays were Messrs. Barnes, Bahl, Comfort, Lowdon—4.

Absent or not voting, Messrs. Ballinger, Barker, Gaylord, Godfrey, Griffith, Hale, Huggins, Martin, McPherson, McNutt, McLaughlin, Runyan, Sherman, Stockman, and Tracy—15.

Mr. Godfrey moved that there be added to the title of the bill, the words following, to-wit: "in relation to bail bonds."

The motion prevailed, and the title as amended, was agreed to.

House File No. 54, A bill for an act providing for a change of venue in preliminary examinations before a Justice of the Peace, was read the third time.

Mr. Tracy moved that the bill be recommitted. Carried.

House File No. 56, A bill for an act to amend the law in relation to the competency of witnesses, was read a third time.

Mr. Darwin moved that the bill be indefinitely postponed.

Upon this question the yeas and nays were demanded, and were as follows:

The yeas were Messrs. Abernethy, Abbott, Barnes, Bahl, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Close, Comfort, Conway, Darwin, DeForest, Emery, Flanders, Fry, Gaylord, Gary, Garrett, Glasgow, Goodrich, Graves, Hand, Holmes, Landes, Leffingwell, Linderman, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Palmer, Russell, Safely, Serrin, Tracy, Thacher, Travis, Tisdale, Thorn, Walden, West, Wilcox, Williams of Des Moines, Mr. Speaker—47.

The nays were Messrs. Alcorn, Barker, Belt, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Louisa, Buck, Carbee, Clark, Crawford, Dashiell, Dudley, Dwelle, Fellows, Finkbine, Gamble, Garber, Godfrey, Holden, Joy, Knapp, Knox, Lowdon, Maxwell,

O'Brien, Olmstead, Poindexter, Rogers, Rohlf, Ryan, Sapp, Sherman, Sipple, Thomson, Van Leuven, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—42.

Absent and not voting, Messrs. Ballinger, Brown of Winneshiek, Griffith, Hale, Huggins, Martin, McPherson, Runyan, and Stockman—9.

So the bill was indefinitely postponed.

House File No. 75, A bill for an act to amend Section 3362, of the Revision of 1860, in relation to administering oaths to appraisers, was read a third time and upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bahl, Belt, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowden, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Rohlf, Russell, Ryan, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—80.

The nays were Messrs. Bereman, Carbee, Flanders, McKean, Rogers, West—6.

Absent or not voting, Messrs. Ballinger, Burnett, Fry, Griffith, Hale, Huggins, Martin, McPherson, Poindexter, Runyan, Sapp, and Stockman—12.

So the bill passed, and the title was agreed to.

House File No. 80, "A bill for an act to repeal Chapter 41, of the acts of the Fifth General Assembly, entitled an act to encourage Agriculture and Mechanic Arts in Johnson County, approved July 20, 1855, was read a third time, and upon the question, "shall the bill pass?"

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Dashiell, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Rohlf, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van

Leuven, Walden, West, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—84.

Absent and not voting, Messrs. Ballinger, Brown of Decatur, Darwin, DeForest, Hale, Huggins, Martin, McPherson, McNutt, O'Brien, Poindexter, Runyan, Stockman and Wright—14.

So the bill passed and the title was agreed to.

House File No. 6, A bill for an act defining the duties of the Register of the State Land Office, was read a third time, and upon the question shall the bill pass the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Maxwell, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Russell, Ryan, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—80.

The nays were Mr. Emery—1.

Absent and not voting, Messrs. Ballinger, Brown of Decatur, Fellows, Gamble, Graves, Griffith, Hale, Huggins, Leffingwell, Martin, McPherson, McNutt, O'Brien, Runyan, Sapp, Stockman and Wright—17.

So the bill passed and the title was agreed to.

House File No. 18, A bill for an act fixing the time of holding Courts in the Eighth Judicial District was read a third time, and upon the question "Shall the bill pass" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Lowdon, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—83.

Absent and not voting, Messrs. Ballinger, Brown of Louisa, Brown of Madison, Fellows, Hale, Huggins, Leffingwell, Martin, Maxwell, McPherson, McNutt, O'Brien, Runyan, Stockman and Wright—15.

So the bill passed and the title was agreed to.

Mr. Flanders moved that when the House adjourn it be until tomorrow morning at 9 A. M. Carried.

House File No. 69, A bill for an act making provisions for the settlement of all liabilities of the State and University growing out of the sale of certain lands in Appanoose County, sold as saline lands, was read a third time, and upon the question, "shall the bill pass?"

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Conway, Darwin, Dashiell, DeForest, Dudley, Dwelle, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Van Leuven, Walden, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—78.

The nays were Messrs. Comfort, Crawford, Emery, Flanders, Palmer, Rogers, Thomson, Thorn—8.

Absent or not voting, Messrs. Ballinger, Brown of Decatur, Fellows, Griffith, Hale, Huggins, Martin, McPherson, McCullough, Runyan, Stockman, Wright, Wilson of Dubuque—12.

So the bill passed and the title was agreed to.

House substitute for House File No. 59, A bill for an act to prevent the importation, running at large, and sale of horses, mules, or asses diseased with nasal gleet, glanders, or button farcy, was read a third time.

And upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Gamble, Gaylord, Garrett, Garber, Glasgow, Godfrey, Graves, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van

Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—83.

The nays were Messrs. Abernethy, Barnes, Brown of Van Buren, Fry, Gary, Goodrich—6.

Absent or not voting, Messrs. Ballinger, Barker, Griffith, Hale, Huggins, Martin, McPherson, Runyan and Stockman—9

So the bill passed and the title was agreed to.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following Bill in which the concurrence of the House is asked:

Senate File No. 12, A bill for an act to amend Section 1133, of the Revision of 1860, in relation to incorporation of towns and cities, and to legalize the publication of the by-laws and ordinances, of certain towns and cities heretofore passed and not published according to law.

Also a Joint Resolution transmitted herewith relative to additional mail facilities in Clayton County in which the concurrence of the House is respectfully asked:

J. W. DIXON, Secretary.

Mr. McLaughlin moved that the House do now adjourn.

The motion prevailed and the House adjourned until 9 o'clock to-morrow.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, January 30, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Wetmore.

Journal of yesterday read and approved.

PETITIONS AND REMONSTRANCES.

Mr. Thorn presented two petitions from W. B. Armstrong, and others, praying for the passage of an act compelling railroads to come under the law as common carriers, which were read and referred to the Committee on Commerce.

Mr. Holden presented a memorial from the Board of Supervisors of Washington county, praying for the passage of an act regulating the tariff of charges for freight and passage on railroads.

Referred to the Committee on Commerce.

Mr. Tracy presented a petition from John Palmer, and others, asking for an increase in the fees of County Recorders.

Referred to Committee on Compensation of Public Officers.

Mr. West presented a petition from W. M. Gordon and others, praying for the passage of an act requiring State and County officers to subscribe to an oath that they will not use intoxicating liquors as a beverage during their terms of office.

Referred to Committee on Suppression of Intemperance.

Mr. Gaylord presented a memorial from the Board of Supervisors of Cerro Gordo county, praying for the passage of an act extending the jurisdiction of County Judges.

Referred to Committee on Judiciary.

Mr. Landes presented a petition from Thomas Records and others, citizens of Clarke county, asking for the passage of a Pension Law.

Referred to Committee on Military Affairs.

Mr. Bolter presented a petition from Geo. R. Brainard and other citizens of Harrison county, asking for an increase in the per diem of County Surveyors.

Referred to special committee on that subject.

Mr. Wilson, of Jackson, presented a memorial from the Board of Supervisors of Jackson county, asking that three terms of the District Court may be held each year in Jackson county; also asking for the passage of an act authorizing the payment of a bounty of \$5.00 on the scalps of wolves.

The first petition was referred to a select committee, consisting of the delegation from the Eighth Judicial District. The second petition was referred to the Committee on Agriculture.

Mr. Rogers presented a petition from Add. H. Sanders and other citizens of Scott county asking for an increase in the fees of Co. Surveyors.

Referred to Committee on Compensation of Public Officers.

Mr. Crawford presented a petition from John Sunderland and others asking for the passage of an act compelling State and county officers to subscribe to an oath that they will not use intoxicating liquors as a beverage during their terms of office,

Referred to Committee on Suppression of Intemperance.

Mr. Crawford presented a similar petition from Kate Smith and others, which was referred to the same Committee.

Mr. Crawford presented a petition from Alexander Ramsey and others asking for the passage of an act compelling the B. & M. R. R. Co. to complete the building of its road or relinquish its claim to the Railroad Lands.

Referred to Committee on Railroads.

Mr. Barker presented four petitions from John King and other citizens of Dubuque county asking for a change in the system of county government.

Referred to Committee on County and Township Organization.

Mr. Sapp presented a petition from E. F. Burdick and thirty-

nine others, citizens of Pottawattamie county, asking for an increase in the fees of County Surveyors.

Referred to select committee on that subject.

Mr. McCullough presented a petition from H. Berry and others asking for the repeal of the Prohibitory Liquor Law, and the enactment of a License Law.

Referred to Committee on Suppression of Intemperance.

Mr. Brown of Madison, presented a memorial from the board of supervisors of Madison county, asking for the passage of an act authorizing the levy of a higher rate of road tax.

Referred to the Committee on County and Township Organizations.

Mr. Wilson of Dubuque, presented a petition from Martin Oswald and others, asking for the repeal of the Prohibitory Liquor Law, and the enactment of a License Law.

Referred to Committee on Suppression of Intemperance.

Mr. Carbee presented a petition from Isaac Berger and others, asking for the repeal of Sections 1 and 2, Chapter 143 of the 7th General Assembly, legalizing the manufacture and sale of beer.

Referred to same Committee.

Mr. Carbee also presented a remonstrance from Wm. Dow and others, against the repeal of the Prohibitory Liquor Law.

Referred to same Committee.

Mr. Close presented two petitions from N. A. Clark and others, asking for the repeal of the Prohibitory Liquor Law, and the enactment of a License Law.

Referred to same Committee.

Mr. Serrin presented a petition from A. H. Willits and other citizens of Iowa County, asking for an increase in the fees of County surveyors, which was referred to the select committee on the subject.

Mr. Wilson of Dubuque, presented a remonstrance from Wm. Howell and others, against any unfriendly legislation concerning the Dubuque and Sioux City Railroad.

Referred to Committee on R. R.

Mr. Garber presented a petition from C. V. Kellogg and others, citizens of Clayton County, asking for the repeal of the prohibitory liquor law, and the enactment of a license law.

Referred to Committee on Suppression of Intemperance.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed a Joint Resolution, transmitted herewith, in which the concurrence of the House is asked.

Joint Resolution asking for a daily mail route from Des Moines, Iowa, via Indianola, Chariton, and Corydon, to Lineville, Mo.

Also House File No. 81, A bill for an act making appropriation for the payment of mileage of members of the Eleventh General Assembly, with the following amendments, by striking out of Section 3, the following words, "including the Chief Clerk."

By striking out of Section 4, the following words "and the Chief Clerk," and by adding at the end of Section 4, the following words, "Provided that no person shall receive mileage by virtue of this act, except as provided by Sections 2 and 3 of this act."

In which the concurrence of the House is respectfully asked.

I also return herewith House File No. 26, A bill for an act to amend Section 800, of the Revision of 1860, the same having passed the Senate without amendment.

JAMES M. WEART, Ass't Secretary.

Mr. Garber presented sundry petitions from M. O. Ketchum, and others asking for the establishment of a mail route from Memphis, Missouri, to Vernon, Iowa, which were referred to the Committee on Federal Relations.

Mr. McLaughlin presented a petition from John Wise, and other citizens of Jackson county, praying for the repeal of the prohibitory liquor law, and the enactment of a judicious license law.

Referred to Committee on Suppression of Intemperance.

Leave of absence was granted to Messrs. Bereman, Walden, Knox, and Buck, for one week.

Mr. Rogers asked leave to withdraw House File No. 26, which had been made the special order for February 15th. Granted.

Mr. Rogers asked to be excused from further service on the Judiciary Committee.

The motion to excuse Mr. Rogers did not prevail.

REPORTS OF COMMITTEES.

Mr. Finkbine submitted the following report :

The Committee on Ways and Means to whom was referred the memorial of the Board of Supervisors of Washington county, relating to the relief fund have instructed me to report the same back, the House having taken action on the subject matter of the memorial.

FINKBINE, Chairman.

Mr. Finkbine from the same Committee presented the following report:

The Committee on Ways and Means to whom was referred House File No. 79, A bill for an act to amend Section 779, of the Revision of 1860, relating to the registration of letters containing County Treasurers monthly report to State Auditor, have instructed me to report the same back with the recommendation that it do pass.

FINKBINE, Chairman.

Mr. Darwin from the Committee of Judiciary, submitted the following report :

MR. SPEAKER :—The Committee on the Judiciary to whom was referred House File No. 62, A bill to amend and explanatory of Section 1, Chapter 118, of the acts of the Tenth General Assembly, approved March 19, 1862, have had the same under consideration and for the same herewith report a substitute which they recommend to be put upon its passage.

DARWIN, Chairman.

The same Committee submitted the following report :

MR. SPEAKER :—The Committee on the Judiciary, to whom was referred House File No. 112, A bill to limit the value of Homesteads exempt from execution, have had the same under consideration and come to an unfavorable conclusion thereon, and thinking that the same should not pass, they recommend its indefinite postponement.

DARWIN, Chairman.

The same Committee submitted the following report :

MR. SPEAKER :—The Judiciary Committee, to whom was referred a bill for an act to amend Chapter 22, of the acts of the Tenth General Assembly, (the same being House File No. 90,) have had the same under consideration, and having decided unfavorably thereto, have instructed me to report the recommendation that the same be indefinitely postponed.

DARWIN, Chairman of Judiciary.

The same Committee submitted the following report :

MR. SPEAKER :—The Committee on Judiciary, to whom was referred House File No. 60, "A bill for act to amend Section 4220, of the Revision of 1860," has had the same under consideration, and come to a favorable conclusion thereon. The Committee are satisfied that the provisions of the bill are law now ; but inasmuch as by a misprint in the Section referred to, it would seem to be otherwise, and as this bill will provide a plain remedy, its passage is recommended.

DARWIN, Chairman.

The Committee on Schools submitted the following report :

MR. SPEAKER :—I am instructed by the Committee on Schools to report to the House the accompanying bill for an act to establish a State Normal School, and to ask that the same be ordered to be printed.

J. N. ROGERS, Chairman.

The report of the Committee was received, the bill read a first and second time, and ordered printed.

The Committee on Agriculture, submitted the following report :

MR. SPEAKER :—The Committee on agriculture, to whom was referred House File No. 93, "An act to amend Section 1545, Chapter 61, of the revision of 1860, an act that sheep and swine shall not be free commoners," have had the same under consideration, and have instructed me to report it back to the House, and

to state that in the opinion of the Committee no further legislation is required.

H. M. THOMSON, Chairman.

The same Committee presented the following report:

MR. SPEAKER:—The Committee on Agriculture to whom was referred House File No. 50, A bill for an act to amend an act entitled Railroad Companies have had the same under consideration and have instructed me to report it back to the House with a recommendation that it do not pass.

H. M. THOMSON, Chairman.

The same Committee presented the following report:

MR. SPEAKER:—The Committee on Agriculture to whom was referred House File No. 106, "A bill for an act to pay bounty upon the scalps of certain wild animals," have had the same under consideration and have instructed me to report it back to the House with a recommendation that it do pass.

H. M. THOMSON, Chairman.

The Committee on Incorporations submitted the following report:

MR. SPEAKER:—The Committee on Incorporations to whom was referred the memorial of the Mayor and Common Council and other citizens of Pella, in Marion County, asking for an amendment to the incorporation law so as to enable them to incorporate the town of Pella, have had the same under consideration and have instructed me to report by bill and recommend that the same do pass.

H. B. WILLIAMS, Chairman.

The Committee on Rules submitted the following report:

MR. SPEAKER:—The Committee on Rules to whom was referred Senate substitute for Joint Rule No. 5, have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that the same be adopted.

McCULLOUGH, Chairman.

The report of the Committee was not concurred in.

The Committee on Engrossed Bills reported that they had examined House Files Nos. 4 and 35, with the substitute therefor; House File No. 100, and House File No. 99, and found them correctly engrossed.

Mr. Williams of Winneshiek, from the Special Committee submitted the following report:

MR. SPEAKER:—The Special Committee to whom was referred Senate File No. 36, A bill for an act to legalize the articles of incorporation of the Norwegian Lutheran College of Decorah, Iowa, have had the same under consideration, and have instructed me to report the same back to the House without amendment and recommend that the same do pass.

WILLIAMS, for Committee.

The Committee on Compensation of Public Officers, submitted the following report :

The Committee on Compensation of Public Officers to whom was referred House File No. 76, in reference to County Surveyors, have instructed me to report the same back to the House and recommend that the same be referred to the Special Committee to whom the whole matter in reference to county surveyors has been referred.

WM. L. JOY, Chairman.

The report of the Committee was concurred in, and the bill so referred.

INTRODUCTION OF BILLS.

Mr. Runyan introduced House File No. 124, A bill for an act to provide for the education and support of the blind.

Read a first and second time and referred to the Committee on Blind Asylum.

Mr. Runyan introduced House File No. 125, A bill for an act making further appropriations for the Asylum for the Blind.

Read a first and second time, and referred to the Committee on Ways and Means.

Mr. Glasgow introduced House File No. 126, A bill for an act relating to the Assistant Adjutant-General.

Read a first and second time, and referred to the Committee on Military Affairs.

Mr. Wilson of Jackson, introduced House File No. 127, A bill for an act to amend an act to change and fix the time of holding Courts in the 7th Judicial District.

Read a first and second time and referred to a Select Committee consisting of the members from that District.

Mr. Garber introduced House File No. 128, A bill for an act to regulate sheriff's fees for conveying insane persons to the Insane Hospital.

Read a first and second time, and referred to the Committee on Compensation of Public Officers.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order, House File No. 103, A bill for an act fixing the salaries of the District and Supreme Judges.

Mr. Rogers moved that the special order be taken up. Carried.

Mr. Russell moved to postpone the further consideration of the special order until such time as the Committee on Compensation of Public Officers shall report upon the whole question of increasing the pay of Public Officers. Lost.

Mr. Clark offered the following amendment : " That \$2,000 be

stricken out and \$1,800 inserted; and that \$3,000 be stricken out, and \$2,500 inserted.

Mr. Landes called for a division of the question.

Mr. Fry moved to amend the amendment by striking out \$1,800 and inserting \$1,600.

Mr. Tracy moved the previous question which was not seconded.

Mr. West moved to adjourn. Lost.

Mr. McNutt moved to postpone the further consideration of the special order until to-morrow morning at 10 o'clock. Carried.

Mr. Burnett moved to adjourn until to-morrow morning at 9 o'clock, which motion prevailed, and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, January 31, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Gaston.

Journal of yesterday read and approved.

Leave of absence was granted C. S. Wilson, 1st Assistant Clerk of the House of Representatives in consequence of serious illness of his family.

INTRODUCTION OF BILLS.

Mr. West introduced House File No. 129, A bill for an act prescribing rates for transportation of persons and property on railroads, and for other purposes.

Read first and second time, referred to Committee on Commerce and ordered printed.

Mr. Glasgow introduced House File No. 130, A bill for an act to secure to Joseph Skipper, a resident of Wayne county, Iowa, his home at the price of \$1.25 per acre from lands known as the excess of the 500,000 acre grant.

Read first and second times, and referred to select committee of three, consisting of Messrs. Glasgow, Russell, and Bolter.

Mr. Russell introduced House File No. 131, A bill for an act to restrain all stock from running at large during certain portions of the year.

Read first and second times, and referred to Committee on Agriculture.

Mr. Sherman introduced House File No. 132, A bill for an act to provide for the appointment of Private Secretary to the Governor and requiring him to give bond.

Read first and second times, and passed on file.

Mr. Holden introduced House File No. 133, A bill for an act restricting the charges of railroad companies.

Read first and second time, and referred to Committee on Commerce, and ordered printed.

Mr. Comfort introduced House File No. 134, A bill for an act to amend Chapter 172 of the Acts of the Ninth General Assembly and Chapter 102 of the Tenth General Assembly in relation to Common Schools.

Read first and second times, and referred to the Committee on Schools.

Mr. Belt introduced House File No. 135, A bill for an act to repeal Chapter 87 of the Laws of the Ninth General Assembly.

Read first and second times, and referred to the Judiciary Committee.

Mr. Comfort introduced House File No. 136, A bill for an act to repeal Section 1 of Chapter 109 of the Acts of the Tenth General Assembly relating to Agriculture.

Read first and second times, and referred to the Committee on Agriculture.

Mr. Lowdon introduced House File No. 137, A bill for an act to increase the compensation of Township Assessors.

Read first and second times, and referred to the Committee on the Compensation of Public Officers.

REPORT ON ENROLLED BILLS.

MR. SPEAKER:—Your Committee on Enrolled Bills has examined House File No. 126; find it correctly enrolled, and present the same for your signature.

G. J. TISDALE, Chairman.

RESOLUTIONS.

Mr. McNutt introduced the following resolution, which was adopted:

Resolved, That the Committee on State University, be, and are hereby instructed to inquire into the losses sustained by the University fund, as stated on page 36 of the Auditor's Report; and said Committee are further instructed to report back to this House how said losses have taken place, also, through whose instrumentality or by whose fault the losses have occurred, and whether or not there is anybody to blame.

Mr. Thomson introduced the following resolution which was adopted:

Resolved, by the House of Representatives, the Senate concurring, that a joint committee of two from the House and two from the Senate be appointed to visit the Orphan's Home at Davenport

and Cedar Falls, and report upon them to this General Assembly.

Mr. Godfrey introduced the following resolution, which was adopted:

Resolved, That the Secretary of State be directed to furnish each member and officer of this House with printed copies of the Adjutant General's Reports for the years 1864 and 1865.

Mr. McNutt moved that the resolution be amended by adding "reporters" after the word "officers."

The amendment prevailed and the resolution, as amended, was adopted.

Mr. Williams, of Des Moines, introduced the following resolution:

Resolved, That the bill introduced by Mr. Sherman, of Polk, relating to surveys, and referred to Special Committee, be printed for the use of said Committee.

The resolution was adopted.

Mr. McPherson introduced the following resolution, which was adopted:

Resolved by the House of Representatives, the Senate concurring, That our Senators and Representatives in Congress be requested to use their influence to procure the establishment of a semi-weekly mail route from Des Moines to Grove City in Cass county *via* McClain, Keeny, Payton, Maxville, Stanfield and Beason—said route running through a portion of Warren and the entire of Madison, Adair and Cass counties.

Mr. Darwin offered the following resolution which was referred to Committee on Constitutional Amendments:

A proposal to amend the constitution of the State of Iowa.

Be it Resolved by the General Assembly of the State of Iowa, That the following amendments to the Constitution of the State of Iowa are hereby proposed.

1st. Strike the word "white" from Section one of Article two thereof.

2d. Strike the word "white" from Section thirty-three, of Article three thereof.

3d. Strike the word "white" from Section thirty-four of Article three thereof.

4th. Strike the word "white" from Section thirty-five of Article three thereof.

5th. Strike the word "white" from Section one of Article six thereof.

6th. Strike the words "citizen of the United States" from Section one of Article two thereof.

By leave, Mr. Darwin introduced House File No. 138, A bill for an act to provide for reference and publication of proposed amendments to the Constitution.

Read a first and second time, referred to Committee on Constitutional Amendments.

Mr. Goodrich offered the following resolution, which was adopted :

Be it resolved by this House of Representatives, That our door-keeper be considered as an officer of the House in carrying out all resolutions conferring favors or perquisites.

Mr. Flanders offered the following resolution, which was referred to the Committee on Federal Relations

WHEREAS, The people of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas and Tennessee, have heretofore declared their independence of the Government of the United States, have usurped authority denied to every State by the supreme law of the land, have abjured duties imposed upon every State by the same law, and have waged war against the United States, whereby the political functions formerly granted to those people, have been suspended, and

WHEREAS, Such functions cannot yet be restored to those people with safety to themselves or the nation, and

WHEREAS, Military tribunals are not suited to the exercise of civil authority.

Therefore be it resolved by the General Assembly of the State of Iowa, That in our opinion Congress ought forthwith to organize provisional governments for the people in each of the Districts named in the foregoing preamble.

Resolved, That a copy of these resolutions be forwarded by the Secretary of State to each of our Senators and Representatives in Congress.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills and resolution, in which the concurrence of the House is asked.

Senate File No. 3, A bill for an act granting to the Iowa State University certain property in Iowa City.

Senate File No. 19, A bill for an act to repeal Section 2, Chapter 43, of laws of the Tenth General Assembly, and Section 3, of Chapter 17, of the laws of the regular session of the Ninth General Assembly.

Senate File No. 48, A bill for an act fixing the times of holding courts in the Fifth Judicial District.

Joint Resolution relative to additional mail facilities in Buchanan and Fayette counties, which is transmitted herewith.

I also return herewith five House Joint Resolutions relative to additional mail facilities.

Also a House Joint Resolution relative to declaring the Turkey river not a navigable stream.

Also a House Joint Resolution relative to declaring the Des Moines river not a navigable stream.

Also a concurrent resolution relative to appointing a Joint Committee to visit the Agricultural College Farm and Buildings.

Also a concurrent resolution relative to appointing a Joint Committee to visit the Insane Asylum. The same having passed the Senate without amendment.

I am further directed to inform you that the Senate has concurred in the House amendment striking out the words "the House concurring," to the Senate resolution relative to binding and distributing certain public documents.

JAMES M. WEART, Asst. Secretary.

Mr. Russell offered the following resolution which was lost:

Resolved, That the Chief Clerk of this House is hereby instructed to transmit to the Senate immediately after their passage by the House, all bills and Joint Resolutions, unless otherwise ordered.

Mr. Wilson of Dubuque, offered the following resolution which was adopted:

WHEREAS, There are several counties in the State, which, by reason of the scarcity of timber for agricultural purposes, cannot, under present laws, be generally settled, and as it is important for this House to inquire whether legislation upon the subject of dispensing with fences in those counties, and providing for the herding of cattle therein is proper, and will promote such settlement,

Resolved, That this subject be made the special order for Thursday of next week at 10 o'clock A. M., at which time this subject shall be considered in Committee of the whole House.

Mr. Maxwell offered the following resolution which was referred to the Committee on Constitutional Amendments:

Resolved, That the Committee on Constitutional Amendments be instructed to inquire into the expediency of striking out the word "male" where it occurs in the Constitution in relation to franchise.

Mr. Morgan offered the following resolution:

Resolved, That James McConnell, paper folder, be allowed a copy of the Adjutant-General's Report, 1864 and 1865.

Mr. Tracy offered the following amendment:

That, after the words "paper folder," "all employees of the House" be added.

The amendment was lost.

The resolution was adopted.

The Speaker announced the following Visiting Committees on the part of the House:

Agricultural College—Messrs. Russell and Finkbine.

Insane Asylum—Messrs. Bennett and Boomer.

State University and Deaf and Dumb Asylum—Messrs. Belt and Wilson of Dubuque.

Soldiers' Orphans' Home—Messrs. Burnett and Thomson.

Mr. Serrin offered the following resolution, which was adopted :
Resolved by the House of Representatives, the Senate concurring,
 That John B. Gough be and he is hereby respectfully invited to visit Des Moines and address the General Assembly and citizens upon such subject as he may think proper.

SPECIAL ORDER.

The Speaker announced that the hour had arrived for the consideration of the special order, which was accordingly taken up.

Mr. McNutt moved to recommit to the Committee on Compensation of Public Officers, with instructions to report a bill providing compensation for all officers paid out of the State Treasury.

Lost.

Mr. Tracy moved that the House do now adjourn.

The motion to adjourn was lost.

Mr. Flanders moved that the farther consideration of the special order be postponed until to-morrow at 10 o'clock A. M. Lost.

The question recurring upon the motion of Mr. Fry to strike out "\$1800" and insert "\$1600,"

The yeas and nays were demanded and ordered, and were as follows :

The yeas were Messrs. Alcorn, Ballinger, Bolter, Brown of Decatur, Carbee, Close, Comfort, Fry, Gaylord, Goodrich, Hand, Lowdon, Martin, McPherson, Russell, Wilcox, Wright—17.

The nays were Messrs. Abernethy, Abbott, Barnes, Barker, Bahl, Belt, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Burnett, Clark, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Graves, Holmes, Holden, Joy, Knapp, Landes, Leffingwell, Linderman, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Palmer, Poindexter, Rogers, Rohlf, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—69.

Absent and not voting, Messrs. Bereman, Brown of Winneshiek, Buck, Griffith, Hale, Huggins, Knox, O'Brien, Olmstead, Runyan, Stockman and Walden—12.

So the amendment to the amendment was lost.

The question being now upon the amendment of Mr. Clark, to strike out "\$2,000" and insert "\$1,800," the same was decided in the negative.

Upon the second part of the motion of Mr. Clark, to strike out "\$3,000" and insert "\$2,500," the yeas and nays were ordered, and were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger,

Barnes, Bahl, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Carbee, Clark, Close, Conway, Crawford, DeForest, Dwelle, Fellows, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Hand, Holmes, Knapp, Landes, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, Palmer, Poindexter, Russell, Sapp, Safely, Sipple, Thacher, Travis, Tisdale, Thomson, West, Wilcox, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—62.

The nays were Messrs. Barker, Belt, Brown of Van Buren, Burnett, Comfort, Darwin, Dashiell, Dudley, Emery, Finkbine, Godfrey, Holden, Joy, Leffingwell, McLaughlin, Rogers, Rohlf, Runyan, Ryan, Serrin, Sherman, Thorn, Van Leuven, Williams of Des Moines—24.

Absent, not voting, Messrs. Bereman, Brown of Winnesheik, Buck, Griffith, Hale, Huggins, Knox, O'Brien, Olmstead, Stockman, Tracy, and Walden—12.

So the proposition to strike out and insert was adopted.

Mr. Poindexter offered the following amendment: Amend first section by striking out all after the enacting clause, and insert the following, to-wit: That from and after the last day of December, 1866, the salary of each Judge of the District Court shall be, and the same is hereby fixed at the sum of two thousand dollars per annum.

The amendment was lost.

Mr. Russell moved that \$2,000 be stricken out and \$1,700 inserted.

Upon this question, the yeas and nays were demanded and ordered, and were as follows:

The yeas were Messrs. Alcorn, Barnes, Bahl, Bolter, Brown of Decatur, Carbee, Clark, Close, Comfort, Dwelle, Fellows, Flanders, Fry, Gaylord, Gary, Garrett, Goodrich, Hand, Knapp, Landes, Lowdon, Martin, Maxwell, McPherson, Poindexter, Russell, Thacher, Travis, West, Wilcox, Wright, Williams of Des Moines—32.

The nays were Messrs. Abbott, Ballinger, Barker, Belt, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Burnett, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Emery, Finkbine, Gamble, Garber, Glasgow, Godfrey, Graves, Holmes, Holden, Joy, Leffingwell, Linderman, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Palmer, Rogers, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Tisdale, Thomson, Thorn, Van Leuven, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—54.

Absent, not voting, Messrs. Abernethy, Bereman, Brown of Winnesheik, Buck, Griffith, Hale, Huggins, O'Brien, Olmstead, Stockman, and Walden—12.

The motion did not prevail.

Mr. Finkbine moved that the bill be engrossed and read a third time.

The motion prevailed.

Mr. Van Leuven asked ten days leave of absence for Mr. Gamble, which request was granted.

Mr. Williams of Des Moines, moved that the vote by which the House refused to adopt the report of the Committee on Rules on yesterday, be reconsidered.

The motion to reconsider was adopted.

On motion of Mr. Williams, the report and resolution were laid upon the table.

Mr. Rogers moved that the House do now adjourn until 9 o'clock, to-morrow.

The motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, February 1, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Gaston.

Journal of yesterday read, corrected, and approved.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bill and joint resolutions, in which the concurrence of the House is asked :

Senate File No. 2, A bill for an act to provide for the election of Township Collectors and to define their powers and duties.

Joint resolution relative to additional mail facilities in Winneshiek, Chickasaw and Floyd counties.

Memorial and joint resolution asking Congress for a grant of lands to aid in the construction of the Iowa & Missouri State Line Railroad.

Also a concurrent resolution relative to appointing a Committee to visit the Blind Asylum.

All of which are herewith transmitted.

JAMES WEART, Assistant Secretary.

MESSAGE AND COMMUNICATION ON THE SPEAKER'S TABLE.

The following communication from Hon. J. A. Harvey, Register of the State Land Office, was received, and on motion of Mr. Maxwell, was ordered to be laid upon the table and printed.

STATE LAND OFFICE, }
DES MOINES, IOWA, January 30, 1866. }

HON. ED WRIGHT, *Speaker of the House*—

SIR: I have the honor to acknowledge the receipt this day of the following resolution adopted by the honorable the House of Representatives, on the 27th instant, to-wit:

“Resolved, That the Register of the State Land Office is hereby requested to inform this House as soon as practicable, whether he has any information from the Department of the Interior at Washington, in relation to the construction put upon the Act of Congress of June, 1864, relating to the Iowa Land Grant Railroads, and the position the State now sustains to the grant of 1856.”

And in response thereto have to say, that for the purpose of obtaining the construction of the Department on said Act of Congress, I addressed on the 16th of October, 1865, to the Hon. James Harlan, Secretary of the Interior, the following letter:

STATE LAND OFFICE OF IOWA, }
DES MOINES, October 16, 1865. }

DEAR SIR: I hope you will pardon the liberty I take of calling your attention to the Act of Congress, approved June 2, 1864, which is an Act to amend the railroad grant of May 15, 1856, (on page 101, Acts and Resolutions of the 38th Congress,) for the purpose of ascertaining what construction your Department of the General Government places upon said act.

I am commencing my official report, and desire to lay these matters correctly before our Legislature. And as yet I have been unable to satisfy myself fully as to the *design* or *legal effect* of said Act of June 2, 1864. Our lawyers differ on it, and before any construction is put on it by the State authorities, I desire to know the views of your Department, that if possible, we may put upon it the same construction and avoid any further conflict.

Knowing the interest you feel in whatever appertains to our State, I address you *directly*, without first writing the Commissioner of General Land Office, and trust you will excuse this departure from the usual course. I desire your views of said Act as to the several particulars following, to-wit:

1st. What lands does this grant include that were not included in the Act of May 15, 1856? Does it include *even* as well as odd sections?

2d. What effect has it upon the lands granted by the Act of May 15, 1856, which have already been certified to the State? Does it ignore that certification and require them to be certified to the Company *direct*, without regard to the State? Or does it only require the lands covered by the previous grant to be so certified?

3d. In view of both grants, what is the condition of the title to these lands heretofore certified under the Act of 1856, and what control has the State over them?

4th. What is the present condition of the title to the additional

lands granted by the Act of June 2, 1864; and what control has the State over them?

5th. Does this Act of 1864 extend the time for the completion of these several roads, beyond the time fixed in the original grant? If yea, to what extent?

6th. Where the Companies have failed to build the 20 miles of road required in the eighth section of the Act, by the first of July last, do not all the lands granted or covered by said Act (none being certified to the Company), "become subject to the control and disposition of the Legislature of the State?" (See sec. 8.)

7th. Is not the last sentence of section 8 a relinquishment of all right of *reversion or resumption* of the lands by the United States?

Your early answer will place me under great obligations.

Very respectfully yours,

J. A. HARVEY.

HON. JAMES HARLAN, *Secretary of Interior, Washington City.*

Mr. Harlan declined giving his construction of said Act, but referred my letter to the Commissioner of the General Land Office, who answered it as follows:

DEPARTMENT OF THE INTERIOR, }
GENERAL LAND OFFICE, Dec. 22, 1865. }

J. A. HARVEY, Esq., *State Land Office, Des Moines, Iowa—*

SIR: Your letter of 16th October last to the Secretary of the Interior, having been referred to this office for reply, I beg leave to state:

1st. That the Act of June 2, 1864, does not increase the grant of 1856, but enlarges the area of selection to twenty miles instead of fifteen. It does not restrict the selections to odd numbered sections, but takes hold of even numbered sections as well as the odd.

2d. This Act of June 2, 1864, does not alter or interfere with the grant of 1856; does not require that the lands certified to the State under the latter shall be re-certified to Companies under the former Act.

3d. The State has complete control over the lands certified under the Act of 1856, for the purposes expressed in said Act.

4th. The late Act deals with Companies and not with the State.

5th. No question can arise for the consideration of this office, under the eighth section of the Act, as to forfeiture, until it shall be shown that some one of the Companies has failed to comply with the provisions of the Act in building the road.

Very respectfully, your obedient servant,

J. M. EDMUNDS, Commissioner.

This letter was received by me after the completion of my report, and contains all the information I have from the Department in regard to the construction of the Act referred to.

Respectfully submitted.

J. A. HARVEY.

Mr. McPherson asked leave of absence for Mr. McCullough for one day, which was granted.

Mr. Maxwell asked leave of absence for Mr. Hand, for ten days, which was granted.

The House took up the amendments of the Senate to House File No. 81, A bill for an act making appropriation for the payment of mileage of members of the Eleventh General Assembly.

And upon the question of concurring in said amendments the yeas and nays were as follows:

The yeas were Messrs. Abbott, Belt, Bennet, Boomer, Bolter, Brown of Louisa, Brown of Madison, Brown of Van Buren, Carbee, Close, Comfort, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Flanders, Fry, Gary, Garrett, Garber, Goodrich, Graves, Griffith, Holden, Joy, Landes, Linderman, Martin, McLaughlin, Mills, Palmer, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wilson of Jackson, Williams of Winneshiek, Mr. Speaker—52.

The nays were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Barker, Bahl, Brown of Decatur, Burnett, Darwin, Fellows, Finkbine, Gaylord, Glasgow, Godfrey, Hand, Holmes, Knapp, Leffingwell, Lowdon, Maxwell, McPherson, McNutt, McKean, Morgan, Poindexter, Sherman, Tracy, Van Leuven, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall—31.

Absent, not voting, Messrs. Bereman, Brown of Winneshiek, Buck, Clark, Gamble, Hale, Huggins, Knox, McCullough, O'Brien, Olmstead, Sipple, Stockman, Walden, Wright—15.

So the amendments of the Senate were concurred in.

The Senate Joint Resolution asking for a daily mail route from Des Moines, Iowa, via Indianola, Chariton, and Corydon, to Linnville, Missouri, was read and adopted.

The Senate Joint Resolution asking for a daily mail-route from Independence, Buchanan County, Iowa, to Fayette, in the adjoining county of Fayette, was read and adopted.

The Senate Joint Resolution asking for the establishment of a daily mail-route from McGregor, Clayton county, Iowa, by way of Elkader to Strawberry Point, in said county, in and over the mail route now known as Route No. 11216, was read and adopted.

Senate File No. 12, A bill for an act to amend Section 1133 of the Revision, &c., was read first and second time and referred to the Committee on Incorporations.

Senate File No. 48, A bill for an act fixing the times of holding courts in the Fifth Judicial District, was read first and second times and referred to members from the 5th Judicial District.

Senate File No. 19, A bill for an act to repeal Sec. 2, Chapter 43, of the laws of the Tenth General Assembly, and Section 3 of Chapter 17 of the laws of the Regular Session of the Ninth General Assembly, was read first and second times and referred to the Committee on Ways and Means.

Senate File No. 3, A bill for an act granting to the Iowa State University certain property in Iowa City, was read first and second times, and referred to the Committee on the State University.

Senate File No. 2, A bill for an act to provide for the election of Township Collectors and to define their powers and duties, was read first and second times and referred to the Committee on Ways and Means.

The Senate joint resolution asking for a daily mail route from Ossian, in Winneshiek county, via Fort Atkinson, in said county, New Hampton and Chickasaw, in Chickasaw county, to Charles City, in Floyd county, was read and adopted.

The following concurrent resolution was read and adopted :

Resolved by the Senate, the House concurring, That a Committee of three be appointed (one on the part of the Senate and two on the part of the House) to visit the State Blind Asylum at Vinton, Benton county, Iowa, and make report to this General Assembly the result of their investigation.

The Senate memorial and joint resolution asking Congress for a grant of lands to aid in the construction of the Iowa and Missouri State Line Railroad, was read and considered.

Mr. Tracy moved its reference to the Committee on Railroads.

Mr. Maxwell moved that the Railroad Committee be instructed to amend the joint resolution so as to provide that if Congress make such grant of land to so donate the same to the State as that the State shall sell the same and pay over the proceeds to the proper Railroad Company.

Upon the adoption of these instructions the yeas and nays were demanded, and were as follows :

The yeas were Messrs. Abbott, Alcorn, Barker, Bahl, Boomer, Brown of Madison, Clark, Comfort, Crawford, Darwin, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gary, Graves, Hand, Joy, Leffingwell, Martin, Maxwell, McPherson, McKean, Mills, Palmer, Poindexter, Russell, Safely, Tracy, Thorn, Wilcox, Wright, Wilson of Jackson, Williams of Winneshiek, and Mr. Speaker—38.

The nays were Messrs. Abernethy, Ballinger, Barnes, Belt, Bennett, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Burnett, Carbee, Close, Conway, Dashiell, DeForest, Garrett, Garber, Glasgow, Godfrey, Goodrich, Holmes, Holden, Huggins, Knapp, Landes, Linderman, Lowden, McLaughlin, Morgan, Rogers, Rohlf, Runyan, Ryan, Sapp, Serrin, Sherman, Sipple, Thacher, Travis, Tisdale, Thomson, Van Leuven, West, Wilson of Dubuque, Williams of Des Moines—44.

Absent or not voting, Messrs. Bereman, Bolter, Brown of Winneshiek, Buck, Gamble, Gaylord, Griffith, Hale, Huggins, Knox, McNutt, McCullough, O'Brien, Olmstead, Stockman, Walden, and Wilson of Marshall—16.

The motion to instruct the Railroad Committee was lost.

The motion to refer was lost.

The memorial and joint resolution was adopted.

BILLS ON SECOND READING.

House File No. 79, A bill for an act to amend Section 799 of the Revision of 1860, relating to registered letters containing County Treasurer's monthly report to the Auditor of State, was ordered to be engrossed and read a third time.

House File No. 62, A bill for an act to amend and explanatory of Section 1 of Chapter 118 of the Acts of the 10th General Assembly, approved March 19, 1864, together with the substitute therefor reported by the Committee on the Judiciary, were taken up.

Mr. Finkbine offered the following amendment to Sec. 2 of the substitute :

Provided, That on loans made prior to Jan. 1st, 1864, the rate of interest expressed in the contract shall be collected.

Mr. Close moved that the word "Jan. 1st" be stricken out and "April 27th" inserted in lieu thereof.

The motion prevailed.

Mr. Rogers moved to amend the amendment so that it should read as follows, to-wit :

Provided, That all loans of the School Fund made prior to April 27, 1864, and still outstanding, shall, from and after the taking effect of this act, draw the rate of interest expressed in the original contracts, and the same shall be collected thereon.

Mr. Clark moved that the whole subject be referred to a select committee of three.

The motion prevailed and the Speaker appointed Messrs. Clark, Finkbine and Rogers as such Committee.

Mr. Martin, by leave, presented the petition of Erich Erichson and sundry other citizens of Boone county, asking the State to resume all the lands heretofore granted to the C. R. & Mo. R. R. Co., and that steps be taken to quiet and confirm all the titles made to the so-called river lands by the State to actual settlers, &c.

The petition was referred to the Committee on Railroads.

Mr. Van Leuven moved that the House do now adjourn until 9 A. M. to-morrow.

The motion prevailed and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, February 2, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Manly.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked :

Senate File No. 44, "A bill for an act changing the corporate name of independent school district-townships."

Also, that the Senate has passed the House resolution relative to the distribution of the Supreme Court Reports, with the following amendment: by striking out the words, "the President, Secretary, and Clerks of the Senate, the Clerks of the House of Representatives, and Reporters, Post-masters, and Sergeant-at-Arms of this General Assembly," and by inserting the words, "and the President of the Senate;" in which the concurrence of the House is respectfully asked.

J. W. DIXON, Secretary.

The Committee on Enrolled Bills submitted the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File No. 81, and Senate joint resolution in relation to the binding and distribution of certain public documents, find the same correctly enrolled, and present them for your signature.

G. J. TISDALE, Chairman.

BILLS ON SECOND READING.

House File No. 112, A bill for an act limiting the value of homesteads exempt from execution, was taken up and considered.

Mr. Holden moved that the bill be referred to a select committee of five.

Upon this question, the yeas and nays were demanded, and were as follows :

The yeas were Messrs. Ballinger, Barnes, Bolter, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, DeForest, Dudley, Dwelle, Fellows, Finkbine, Flanders, Fry, Garrett, Godfrey, Graves, Griffith, Holmes, Holden, Joy, Knapp, Martin, McNutt, McLaughlin, McKean, Mills, Morgan, Poindexter, Rogers, Rohlf, Runyan, Ryan, Safely, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—52.

The nays were Messrs. Abernethy, Abbott, Alcorn, Bahl, Belt, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Darwin, Dashiell, Emery, Gaylord, Gary, Garber, Glasgow, Goodrich, Knox,

Landes, Linderman, Lowdon, Maxwell, McPherson, Palmer, Russell, Sapp, Serrin, Sipple, Van Leuven, Wilcox, Wright, Wilson of Dubuque—32

Absent, not voting, Messrs. Barker, Bereman, Brown of Winneshiek, Buck, Gamble, Hale, Hand, Huggins, Leffingwell, McCullough, O'Brien, Olmstead, Stockman, and Walden—14.

So the bill was referred, the Chair appointing Messrs. Holden, Rogers, McKean, McNutt, and Wilson of Dubuque as such committee.

House File No. 60, A bill for an act to amend Section 4220, of Chapter 165, of the Revision of 1860, was taken up, considered, and ordered to be engrossed and read a third time.

By leave, Mr. Finkbine introduced House File No. 139, A bill for an act making appropriation for postage for the Eleventh General Assembly, which was read a first and second time.

Mr. Finkbine moved to suspend the rule and read the bill a third time now. Carried.

The bill was read a third time, and upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holmes, Holden, Joy, Knapp, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McLaughlin, McKean, Mills, Morgan, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—81.

In the negative, Mr. Wilson of Dubuque—1.

Absent or not voting, Messrs. Bereman, Brown of Winneshiek, Buck, Darwin, Flanders, Gamble, Hale, Hand, Hughes, Knox, McPherson, McCullough, O'Brien, Olmstead, Stockman, and Walden—16.

So the bill passed and the title was agreed to.

House File No. 93, A bill for an act to amend an act entitled Section 1545, of Chapter 61, the Code 1860, an act that sheep and swine shall not be free commoners, was taken up and considered.

Mr. Comfort moved that the bill be indefinitely postponed.

The motion to indefinitely postpone prevailed.

House File No. 106, A bill for an act to pay bounty upon the scalps of certain wild animals, was taken up and considered.

Mr. Russell moved that the last section, providing for immediate publication be stricken out.

The motion prevailed.

Mr. Joy moved that two dollars in the second section be stricken out, and one dollar inserted.

The motion prevailed.

Mr. McKean submitted the following amendment:

Provided, That any dog which has been engaged in, or aided and abetted in biting or worrying any sheep or lamb, shall be treated, held and considered a wolf within the scope and provisions of this act.

The amendment was lost.

Mr. Joy moved that "one dollar" be stricken out and "fifty cents" inserted in lieu thereof.

The motion to amend was adopted.

The bill was ordered to be engrossed and read a third time.

Mr. Barker moved that the House do now adjourn until to-morrow at 9 o'clock A. M.

Mr. Burnett moved that "9 A. M. to-morrow" be stricken out, and "2 o'clock P. M. to-day" inserted in lieu thereof.

Upon this question Messrs. Goodrich and Burnett demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Alcorn, Bahl, Boomer, Brown of Decatur, Brown of Louisa, Burnett, Close, Emery, Garber, Goodrich, Graves, Holden, Landes, Martin, McLaughlin, Morgan, Safely, Serrin, Sipple, Travis, Tisdale, Wright, and Wilson of Dubuque—24.

The nays were Messrs. Abbott, Barnes, Barker, Belt, Bennett, Bolter, Brown of Madison, Brown of Van Buren, Carbee, Comfort, Crawford, Darwin, Dashiell, Dudley, Dwelle, Finkbine, Flinders, Fry, Gaylord, Gary, Garrett, Glasgow, Godfrey, Griffith, Holmes, Joy, Knapp, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McKean, Mills, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Sherman, Tracy, Thacher, Thomson, Thorn, Van Leuven, West, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—55.

Absent or not voting, Messrs. Ballinger, Bereman, Brown of Winneshiek, Buck, Clark, Conway, De Forest, Fellows, Gamble, Hale, Hand, Huggins, Knox, McCullough, O'Brien, Olmstead, Stockman, Walden, and Wilcox—19.

The amendment was lost.

The motion to adjourn until to-morrow at 9 o'clock was adopted, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, {
Des Moines, February 3, 1866. }

House met pursuant to adjournment.
Speaker in the chair.
Prayer by Rev. D. L. Hughes.
Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills, in which the concurrence of the House is asked.

Substitute for Senate File No. 7, A bill for an act providing dockets for Justices of the Peace.

Senate File No. 30, A bill for an act for the relief of D. B. Hillis.

Substitute for Senate File No. 10, A bill for an act to award costs against private prosecutors on preliminary examinations in criminal cases.

Substitute for Senate File No. 76, A bill for an act to repeal part of Section 262, of Chapter 22 of Revision of 1860, relating to the time of holding County Courts.

JAMES M. WEART, Ass't Secretary.

BILLS ON SECOND READING.

House File No. 90, A bill for an act to amend Section 10, of Chapter 22, of the acts of Tenth General Assembly, was taken up and considered.

The House refused to concur in the report of the Committee on the Judiciary recommending the indefinite postponement of the bill.

The bill was ordered to be engrossed and read a third time.

House File No. 102, A bill for an act in relation to the manner of conveying lands to the McGregor Western Railroad Company, was taken up and considered and made a special order for Wednesday next at 10 A. M., February 7th.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bill without amendment:

House File No. 139, A bill for an act making appropriation for postage for the Eleventh General Assembly.

JAMES M. WEART, Ass't Secretary.

House File No. 50, A bill for an act to amend an act entitled "Railroad Companies," was taken up and considered.

Mr. Morgan moved that the bill be indefinitely postponed.

Mr. Dudley moved to refer to Committee on Commerce.

Mr. Finkbine moved to amend by striking out "Commerce" and inserting "Railroads." Lost.

Mr. Dudley's motion was lost; and upon the question, "Shall the bill be indefinitely postponed?" the yeas and nays were demanded, and were as follows:

The yeas were Messrs. Abbott, Ballinger, Barnes, Belt, Bennett, Brown of Decatur, Brown of Van Buren, Burnett, Carbee, Clark, Close, Comfort, Conway, Darwin, Dashiell, Fry, Gary, Garrett, Garber, Glasgow, Godfrey, Griffith, Holmes, Holden, Joy, Knapp, Lowdon, Martin, Maxwell, McPherson, McLaughlin, Mills, Morgan, Palmer, Poindexter, Rogers, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Sipple, Thacher, Travia, Thomson, Van Leuven, West, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—53.

The nays were Messrs. Abernethy, Alcorn, Barker, Bahl, Boomer, Brown of Louisa, Brown of Madison, Crawford, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Graves, Huggins, Landes, Leffingwell, Linderman, McKean, Rohlf, Serrin, Tracy, Tisdale, Thorn, Wilcox, Wright, Mr. Speaker—29.

Absent or not voting, Messrs. Bereman, Bolter, Brown of Winnesheik, Buck, Gamble, Gaylord, Goodrich, Hale, Hand, Knox, McNutt, McCullough, O'Brien, Olmstead, Stockman, Walden—16.

So the bill was indefinitely postponed.

House File No. 123, A bill for an act to amend Sec. 1 of Chap. 25, of the laws of the extra session of the 9th General Assembly, was taken up and considered, and ordered to be engrossed and read a third time.

Senate File No. 36, A bill for an act to legalize the articles of incorporation of the Norwegian Luther College, of Decorah, Iowa, was taken up and considered, and ordered to be read a third time.

House File No. 132, A bill for an act to provide for the appointment of Private Secretary to the Governor, and requiring him to give bonds, was taken up and considered.

Mr. Maxwell moved to strike out \$10,000, and insert 25,000.

Mr. Rogers moved to refer to a select committee of three. Carried.

The following members were appointed as such committee, and the bill so referred, viz: Messrs. Rogers, McNutt, and Sherman.

BILLS ON THIRD READING.

House File No. 100, A bill for an act providing for the distribution of the Adjutant General's Report of 1864 and 1865, was read

a third time, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Belt, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holmes, Holden, Huggins, Joy, Knapp, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McLaughlin, McKean, Mills, Morgan, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—84.

The nays were none.

Absent or not voting, Messrs. Bahl, Beremen, Brown of Winneshiek, Buck, Gamble, Hale, Hand, Knox, Martin, McCullough, O'Brien, Olmstead, Stockman, and Walden—14.

So the bill passed and the title was agreed to.

House File No. 99, A bill for an act for the relief of George Higley, of Dubuque, Iowa, was read a third time.

And upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Belt, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, Dudley, Dwelle, Fellows, Flanders, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holmes, Holden, Huggins, Joy, Knapp, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McLaughlin, McKean, Morgan, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—75.

The nays were Messrs. Abbott, Bahl, Emery, Fry, Garrett, Mills, Sherman—7.

Absent or not voting, Messrs. Barker, Bereman, Brown of Winneshiek, Buck, DeForest, Finkbine, Gamble, Hale, Hand, Knox, McCullough, O'Brien, Olmstead, Sapp, Stockman, and Walden—16.

So the bill passed and the title was agreed to.

The Committee on Engrossed Bills submitted the following report:

MR. SPEAKER:—Your Committee on Engrossed Bills ask leave to report that they have examined the following bills:

House File No. 63, A bill for an act to secure to certain persons residents of Harrison county, their homes at the price of \$1.25 per acre, of land known as the excess of 500,000 grant.

Also, House File No. 66, A bill for an act to provide for the distribution of the Adjutant-General's Report of Jan. 1st, 1866.

Also, House File No. 103, A bill for an act fixing the salaries of District and Supreme Judges. And find the same correctly engrossed.

L. DWELLE, Chairman.

The Committee on Enrolled Bills submitted the following report:

The Committee on Enrolled Bills has examined House File No. 139, find it correctly enrolled, and present the same for your signature.

G. J. TISDALE.

Substitute for House File Nos. 41 and 35, was read a third time, and upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holmes, Holden, Huggins, Joy, Knapp, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McLaughlin, McKean, Mills, Morgan, Palmer, Poin-dexter, Rogers, Rohlfis, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Thatcher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—84.

The nays were, none.

Absent or not voting, Messrs. Barker, Bereman, Brown of Winneshiek, Buck, Gamble, Hale, Hand, Knox, McCullough, O'Brien, Olmstead, Stockman, Tracy, and Walden—14.

So the bill passed, and the title was agreed to.

House File No. 63, A bill for an act to secure to certain persons, residents of Harrison county, their homes at the price of \$1.25 per acre, of lands known as the excess 500,000 acre grant, was read a third time, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bennett, Boomer, Bolter, Brown of Louisa, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, De Forest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holmes, Holden, Huggins, Joy, Knapp, Landes, Leffing-

well, Linderman, Lowdon, Martin, Maxwell, McNutt, McKean, Mills, Morgan, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—82.

The nays were none.

Absent or not voting, Messrs. Barker, Bereman, Brown of Decatur, Brown of Winneshiek, Buck, Gamble, Hale, Hand, Knox, McPherson, McCullough, McLaughlin, O'Brien, Olmstead, Stockman, and Walden—16.

So the bill passed and the title was agreed to.

House File No. 6, A bill for an act to provide for the distribution of the Adjutant General's Report of January, 1866, was read a third time.

Mr. Darwin asked and obtained unanimous consent to amend the bill so as to provide that five copies of the Adjutant General's Report shall be sent to each branch of the Iowa Soldiers' Orphans' Home.

Mr. Maxwell moved the reference of the bill to the Committee on the Library.

The motion prevailed.

House File No. 103, A bill for an act fixing the salaries of the District and Supreme Judges, was read a third time.

Mr. Russell moved that the bill be recommitted to the Committee on the Compensation of Public Officers, with instructions to strike out of Section 1 "\$2,000," and insert "\$1,800."

Mr. Sapp moved to add to the instructions that the Committee shall make a proportionate reduction on the salaries of the Supreme Judges.

The amendment did not prevail.

Upon the motion to recommit, the yeas and nays were demanded and were as follows:

The yeas were Messrs. Alcorn, Barnes, Bahl, Bolter, Brown of Decatur, Brown of Louisa, Carbee, Clark, Close, Comfort, Conway, Dwelle, Fellows, Flanders, Fry, Gaylord, Gary, Garrett, Goodrich, Graves, Griffith, Knapp, Landes, Lowdon, Martin, Maxwell, McNutt, McKean, Mills, Morgan, Poindexter, Russell, Thacher, Travis, Thomson, West, Wilcox, Wright, Williams of Des Moines, Williams of Winneshiek, Mr. Speaker—41.

The nays were Messrs. Abernethy, Abbott, Ballinger, Belt, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Crawford, Darwin, Dashiell, DeForest, Dudley, Emery, Finkbine, Garber, Glasgow, Godfrey, Holmes, Holden, Huggins, Joy, Leffingwell, Linderman, McPherson, McLaughlin, Palmer, Rogers, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Tisdale, Thorn, Van Leuven, Wilson of Jackson, Wilson of Marshall—42.

Absent or not voting, Messrs. Barker, Bereman, Brown of Winneshiek, Buck, Gamble, Hale, Hand, Knox, McCullough, O'Brien, Olmstead, Sipple, Stockman, Walden, Wilson of Dubuque—15.

The motion to recommit was lost.

Mr. Sapp moved a call of the House, which was ordered and the roll of members was called with the following result :

Absent and not excused, Mr. Barker.

Mr. Russell moved that further proceedings under the call be dispensed with.

The motion prevailed.

Mr. Sapp moved that farther action upon the bill be postponed until next Monday at 10 A. M.

The motion to postpone was lost.

Upon the question "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abbott, Belt, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Conway, Crawford, Dashiell, DeForest, Dudley, Emery, Finkbine, Garber, Godfrey, Holmes, Holden, Huggins, Joy, Leffingwell, Linderman, Maxwell, McPherson, McLaughlin, Palmer, Rogers Rohlf, Runyan, Ryan, Serrin, Sherman, Tracy, Tisdale, Thomson, Thorn, Van Leuven, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—43.

The nays were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Bahl, Bolter, Brown of Decatur, Brown of Louisa, Carbee, Clark, Close, Comfort, Darwin, Dwelle, Fellows, Flanders, Fry, Gaylord, Gary, Garrett, Glasgow, Goodrich, Graves, Griffith, Knapp, Landes, Lowdon, Martin, McNutt, McKean, Mills, Morgan, Poindexter, Russell, Sapp, Safely, Thacher, Travis, West, Wilcox, Wright—41.

Absent or not voting, Messrs. Barker, Bereman, Brown of Winneshiek, Buck, Gamble, Hale, Hand, Knox, McCullough, O'Brien, Olmstead, Sipple, Stockman, and Walden—14.

So the bill failed, not having received a Constitutional majority.

Mr. Sapp moved that the vote by which the bill was lost be reconsidered.

Mr. Russell moved that the motion to reconsider be laid upon the table.

Upon this question the yeas and nays were demanded, and were as follows :

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Bahl, Bolter, Brown of Decatur, Brown of Louisa, Carbee, Clark, Close, Comfort, Dwelle, Fellows, Flanders, Gaylord, Gary, Garrett, Goodrich, Graves, Griffith, Knapp, Landes, Lowdon, Martin, McPherson, McNutt, McKean, Mills, Morgan, Poindexter, Russell, Travis, West, Wilcox, Wright—37.

The nays were Messrs. Abbott, Belt, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Conway, Crawford, Dar-

win, Dashiell, DeForest, Dudley, Emery, Finkbine, Garber, Glasgow, Godfrey, Holmes, Holden, Joy, Knox, Leffingwell, Linderman, Maxwell, McLaughlin, Palmer, Rogers, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, Van Leuven, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—47.

Absent or not voting, Messrs. Barker, Bereman, Brown of Winnesheik, Buck, Gamble, Hale, Hand, Huggins, McCullough, O'Brien, Olmstead, Sipple, Stockman, and Walden—14.

The motion to lay upon the table did not prevail.

Mr. Sapp moved that the consideration of the motion to reconsider be postponed until Monday next at 10 o'clock A. M.

Upon this motion the yeas and nays were demanded, and were as follows:

The yeas were Messrs. Abbott, Ballinger, Belt, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Burnett, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Emery, Finkbine, Flanders, Garber, Glasgow, Godfrey, Griffith, Holmes, Holden, Huggins, Joy, Landes, Leffingwell, Linderman, Maxwell, McLaughlin, Morgan, Palmer, Poindexter, Rogers, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Tisdale, Thomson, Thorn, Van Leuven, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—53.

The nays were Messrs. Abernethy, Alcorn, Barnes, Bahl, Bolter, Brown of Decatur, Carbee, Clark, Close, Comfort, Dwelle, Fellows, Fry, Gaylord, Gary, Garrett, Goodrich, Graves, Knapp, Lowdon, Martin, McPherson, McNutt, McKean, Mills, Russell, Thacher, Travis, West, Wilcox, Wright, Williams of Winnesheik—32.

Absent or not voting, Messrs. Barker, Bereman, Brown of Winnesheik, Buck, Gamble, Hale, Hand, Knox, McCullough, O'Brien, Olmstead, Stockman, Walden—13.

So the motion to postpone until Monday next at 10 o'clock A. M. was adopted.

Mr. Mills moved that the House do now adjourn until 10 o'clock, A. M., on Monday next.

Mr. Close moved to amend by striking out "10," and inserting "9." Lost.

The motion to adjourn until Monday next at 10 A. M., was adopted, and so the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, Feb. 5, 1866. }

House met pursuant to adjournment.
Speaker in the Chair.
Prayer by Rev. D. L. Hughes.
Journal of Saturday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked :

Senate File No. 78, A bill for an act amending Section 7, of Chapter 172 of the Acts of the Ninth General Assembly, relating to school district township meetings.

I also return herewith, House concurrent resolution relative to additional mail facilities from Des Moines to Grove City in Cass county.

Also, a resolution inviting John B. Gough to lecture before the General Assembly and citizens of Des Moines, the same having passed the Senate without amendment.

I am further directed to inform you that Senator Ross has been appointed a member on the part of the Senate of Joint Committee to visit the Insane Asylum, and that Senator Powers has been appointed a member on the part of the Senate of Joint Committee to visit the Agricultural College and Farm.

JAMES M. WEART, Asst. Secretary.

Mr. Glasgow asked leave of absence for Mr. Holmes for ten days, which was granted.

Mr. Darwin asked leave of absence for Mr. Conway for two days, which was granted.

Mr. Sherman, by leave, presented the following report from the Committee on Railroads:

I am instructed by the Committee on Railroads to return to the House the petitions, memorials, bills, and other papers heretofore referred to it, and ask their reference to appropriate Committees. A due respect to the House demands a statement of the reasons that have prompted the Committee to this course.

After the organization of this body, all papers having reference to railroads, covering the entire scope of subjects coming within the purview of such Committees, were referred to our Committee. Before time was given it to mature business, and bring it in proper shape for report, the House added to the list of Standing Committees a new one, called the Committee on Commerce, to which has been referred, from time to time, by decided votes, bills and peti-

tions relating directly to important subjects heretofore considered exclusively in the province of our Committee, other papers on the same subjects being already before us by proper reference. We cannot believe that it was the intention of the House to require two of its Standing Committees to consider and act upon the same subjects at the same time. Such a course would devolve useless labor upon the Committees, and might lead to conflicting results and reports, tending to embarrass legislation and resulting in no good to any one. We are at a loss to understand whether in the creation of the Committee on Commerce, it was the intention of the House to dispense altogether with the Railroad Committee, or to divide the business usually in the province of that Committee between the two, and if the latter inference is correct, to determine the dividing line of duty of the two Committees.

I therefore respectfully ask, on the part of the Committee, that the House will take such action on the papers herewith returned, as will enable us to discharge our duties, without trespassing upon subjects in charge of another Committee.

SHERMAN, Chairman.

Mr. Finkbine moved to recommit all matters referred to in the report of the Railroad Committee to the same Committee, except those relating to the subject of tariffs, which should be referred to the Committee on Commerce, and those relating to taxation, to the Committee on Ways and Means.

Mr. Hale moved to amend by providing that the whole matter should be referred back to the Committee on Railroads.

The amendment was lost.

The motion of Mr. Finkbine was adopted, and the papers were so referred.

Mr. Wilson, of Dubuque, asked to be excused from serving on the Committee on Railroads, which request was refused by the House.

Mr. Rogers asked that Mr. Wilson, of Marshall, be added to the Committee on Schools, which request was granted.

SPECIAL ORDER.

The special order for 10 A. M., this day, being the resolution of Mr. Brown, of Van Buren, relating to a change in county government, was taken up.

Mr. Russell moved that it be laid upon the table.

The motion prevailed.

Mr. Sapp moved that the motion to reconsider the vote by which the bill fixing the salaries of the Supreme and District Judges was lost, be now taken up.

The motion prevailed.

The motion to reconsider was also adopted.

Mr. Sapp moved that the bill be recommitted to the Committee

on the Compensation of Public Officers, with instructions to report a bill providing that the salaries of the District Judges shall be fixed at the sum of \$1800 and those of the Supreme Court at \$2300.

Mr. Rogers moved to strike out the instructions.

Upon this question the yeas and nays were demanded, and were as follows :

The yeas were Messrs. Ballinger, Barnes, Barker, Belt, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winnesheik, Burnett, Darwin, Dashiell, DeForest, Dudley, Emery, Finkbine, Flanders, Garber, Glasgow, Godfrey, Hale, Holmes, Holden, Huggins, Joy, Leffingwell, McCullough, McLaughlin, Morgan, Rogers, Rohlf's, Runyan, Ryan, Safely, Serrin, Sherman, Tracy, Tisdale, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—44.

The nays were Messrs. Abernethy, Abbott, Alcorn, Bahl, Brown of Madison, Carbee, Clark, Close, Comfort, Crawford, Dwelle, Fellows, Fry, Gaylord, Gary, Garrett, Goodrich, Graves, Griffith, Knapp, Landes, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McKean, Mills, Palmer, Poindexter, Russell, Sapp, Sipple, Thacher, Travis, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Winnesheik, Mr. Speaker—44.

Absent or not voting, Messrs. Bereman, Buck, Conway, Gamble, Hand, Knox, O'Brien, Olmstead, Stockman, and Walden—10.

So the House refused to strike out the instructions.

Mr. Rogers moved to amend by striking out \$2,300, and inserting in lieu thereof \$2,500.

Mr. Mills moved to amend the amendment by striking out \$2,500, and inserting in lieu thereof \$2,000.

Upon this question the yeas and nays were demanded and were as follows :

The yeas were Messrs. Alcorn, Bolter, Brown of Decatur, Brown of Winnesheik, Carbee, Comfort, Fellows, Fry, Garrett, Lowdon, Martin, McKean, Mills, Russell, Travis, Wright—16.

The nays were Messrs. Abernethy, Abbott, Ballinger, Barnes, Barker, Bahl, Belt, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Burnett, Clark, Close, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Huggins, Joy, Knapp, Landes, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Morgan, Palmer, Poindexter, Rogers, Rohlf's, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—72.

Absent or not voting, Messrs. Bereman, Buck, Conway, Gamble, Hand, Knox, O'Brien, Olmstead, Stockman, and Walden—10.

So the amendment to the amendment was lost.

The question recurring upon the amendment, the yeas and nays were demanded, and were as follows :

The yeas were Messrs. Ballinger, Barnes, Barker, Belt, Bennett, Brown of Van Buren, Burnett, Darwin, Dashiell, DeForest, Dudley, Emery, Finkbine, Flanders, Glasgow, Godfrey, Hale, Holden, Huggins, Joy, Leffingwell, McLaughlin, Rogers, Rohlf, Runyan, Ryan, Sherman, Sipple, Tracy, Tisdale, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—34.

The nays were Messrs. Abernethy, Abbott, Alcorn, Bahl, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Carbee, Clark, Close, Comfort, Crawford, Dwelle, Fellows, Fry, Gaylord, Gary, Garrett, Garber, Goodrich, Graves, Griffith, Holmes, Knapp, Landes, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, Palmer, Poindexter, Russell, Sapp, Safely, Serrin, Thacher, Travis, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Winneshiek, Mr. Speaker—54.

Absent or not voting, Messrs. Bereman, Buck, Conway, Gamble, Hand, Knox, O'Brien, Olmstead, Stockman, and Walden—10.

So the amendment was lost.

Upon the motion to refer with instructions, the yeas and nays were demanded, and were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Belt, Bennett, Boomer, Bolter, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dwelle, Fellows, Finkbine, Flanders, Fry, Gary, Garrett, Garber, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Knapp, Landes, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McLaughlin, McKean, Mills, Morgan, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek, Mr. Speaker—69.

The nays were Messrs. Barnes, Barker, Bahl, Brown of Decatur, Brown of Van Buren, Dudley, Emery, Gaylord, Glasgow, Godfrey, Huggins, Joy, Lowdon, Martin, McCullough, Rogers, Sipple, Thomson, Wilson of Marshall—19.

Absent or not voting, Messrs. Bereman, Buck, Conway, Gamble, Hand, Knox, O'Brien, Olmstead, Stockman, and Walden—10.

So the motion to refer with instructions prevailed.

Mr. Van Leuven moved that the House do now adjourn until tomorrow at 9 o'clock A. M.

The motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, February 6, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Vernon.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills, in which the concurrence of the House is asked :

Senate File No. 11, A bill for an act in relation to additional Justices of the Peace and their dockets.

House File No. 30, A bill for an act extending the powers of the Auditor of State, with the following amendment : Add at the end of section one the following : "*Provided*, That the claims shall be presented and audited at the Auditor's office."

In which the concurrence of the House is asked.

I also return herewith House resolution relative to appointing a joint committee to visit the Soldiers' Orphans' Home, it having passed the Senate without amendment.

JAMES M. WEART, Asst. Secretary.

PETITIONS.

Mr. Darwin presented a petition from E. Chamberlain and other citizens of Burlington, Iowa, praying for the repeal of the Prohibitory Liquor Law, which was referred to the Committee on Suppression of Intemperance.

Mr. McNutt presented a petition from H. J. Nicholas and sundry citizens of Wilton, Muscatine county, praying for the repeal of the Prohibitory Liquor Law, which was referred to the Committee on Suppression of Intemperance.

Mr. Ballinger presented a petition from Wm. Abbott and sundry citizens of Jackson township, Lee county, praying for the repeal of the Prohibitory Liquor Law, which was referred to the Committee on Suppression of Intemperance.

Mr. Goodrich presented a petition from James Stewart and sundry citizens of Fayette county, asking for extending the powers and jurisdiction of County Judges, which was referred to the Committee on Judiciary.

Mr. Brown, of Louisa, presented a petition from H. Lockwood and other citizens of Louisa county, Iowa, remonstrating against

the enactment of a law to restrain stock from running at large, which was referred to the Committee on Agriculture.

Mr. Burnett presented a resolution for the appointment of a Special Standing Committee to attend to and look after the interests of the children of Iowa in the School Land and School Fund of the State.

Referred to the Committee on Schools.

Mr. Clark presented a petition from William Holt and sundry citizens of Iuka, Tama county, Iowa, praying for the repeal of the present Prohibitory Liquor Law.

Referred to the Committee on Suppression of Intemperance.

Mr. Bereman presented a petition from John Tyner and nineteen other citizens of Henry county, remonstrating against the repeal of the present Prohibitory Liquor Law.

Referred to the Committee on Suppression of Intemperance.

Mr. Brown, of Madison, presented a petition from W. H. Lewis and sundry citizens of Madison county, Iowa, asking that some law may be enacted abolishing the Board of Supervisors of the several counties of this State, and substituting therefor three Commissioners.

Referred to the Committee on County and Township Organizations.

Mr. Tisdale presented a petition from C. O. Case and sundry citizens of Chickasaw county, asking for the appointment of a County Commissioner of Roads.

Referred to the Committee on Roads and Highways.

Mr. Linderman presented a petition from H. M. Cramer and other citizens of Page county, asking a change in county government.

Referred to the Committee on County and Township Organizations.

Mr. Huggins presented a petition from sundry citizens of Ringgold county, Iowa, asking increased compensation to County Surveyors.

Referred to the Special Committee of which Mr. Williams, of Des Moines, is chairman.

Mr. Landes presented a petition from A. H. Burrows and sundry citizens of Clark county, Iowa, for the relief of John Crew, wounded in the militia service of this State.

Referred to the Committee on Military Affairs.

Mr. Rohlf's presented a petition from sundry citizens of Davenport, Scott county, Iowa, praying for the repeal of the present prohibitory liquor law.

Referred to Committee on Suppression of Intemperance.

Mr. Safely presented a petition from T. C. McClelland and sundry citizens of Cedar county, Iowa, asking for a law to regulate the tariff on railroads.

Referred to the Committee on Commerce.

Mr. Thorn presented a petition from Enos Williams and sundry citizens of DeWitt, Clinton county, Iowa, praying that railroads may be compelled to come under the laws of common carriers, and asking other relief.

Referred to the Committee on Railroads.

Mr. Thorn presented a petition from E. E. Blake and sundry shippers and producers of Buckeye, Clinton county, Iowa, praying that railroad companies may come under the laws of common carriers.

Referred to the Committee on Railroads.

Mr. Thorn presented a petition from the shippers and producers of Blainstown, Benton county, Iowa, praying that railroads may be compelled to come under the laws as common carriers.

Referred to the Committee on Railroads.

Mr. Thorn presented a petition from John D. Sill and sundry citizens of Lisbon, Linn county, Iowa, praying that a law may be enacted to compel railroads to come under the laws of common carriers.

Referred to the Committee on Railroads.

Mr. Runyan presented a petition from Jacob Hale and sundry citizens of Belle Plane, Benton county, Iowa, praying for the repeal of the present prohibitory liquor law.

Referred to Committee on Suppression of Intemperance.

Mr. Bahl presented a petition from F. C. Cromwell and sundry citizens of this State remonstrating against any resumption of lands heretofore granted to the Dubuque & Sioux City Railroad.

Referred to the Committee on Railroads.

Mr. Martin presented a petition from A. Cline and other citizens of Boone county, Iowa, praying for a law resuming by the State of Iowa all the lands heretofore granted to the Cedar Rapids and Missouri River Railroad.

Referred to the Committee on Railroads.

Mr. Wilson, of Jackson, presented a petition from E. G. Bolter and other citizens of Jackson county, Iowa, asking that the bounty on wolf scalps be increased to \$15.00—one-half to be paid by the State.

Referred to the Committee on Agriculture.

Mr. Brown, of Van Buren, presented a petition from John Duley and other citizens of Van Buren county, Iowa, praying for a mail route from Vernon, Van Buren county, Iowa, to Memphis, Scotland county, Missouri.

Referred to the Committee on Federal Relations.

Mr. Palmer presented a petition from F. B. Bissell and other citizens of Clinton county, Iowa, remonstrating against the repeal of the present prohibitory liquor law.

Referred to the Committee on the Suppression of Intemperance.

Mr. Palmer presented a petition from David Hess and other

citizens of Clinton county, Iowa, praying for the passage of some law to prevent the spread of Canada thistles.

Referred to the Committee on Agriculture.

Mr. Clark presented a claim from J. Sinington for two rotary upholstered chairs for Speaker of the House and President of the Senate.

Referred to the Committee on Claims.

Mr. Carbee presented a remonstrance from John Curts and 104 others, citizens of Linn county, against the repeal of the present prohibitory liquor law.

Referred to the Committee on Suppression of Intemperance.

Mr. Crawford presented a remonstrance from Adam Cart and other citizens of Montgomery county, against extending the time of completing the Burlington & Missouri Railroad, by Congress, until 1875.

Referred to the Committee on Federal Relations.

Mr. Crawford presented a remonstrance from C. H. Lane, and other citizens of Montgomery county, against extending the time of completing the Burlington & Missouri Railroad, by Congress, until 1875.

Referred to the Committee on Federal Relations.

Mr. Crawford presented a remonstrance from C. G. Patterson, and other citizens of Montgomery county, against extending the time of completing the Burlington & Missouri Railroad, by Congress, until 1875.

Referred to the Committee on Federal Relations.

Mr. Joy presented a petition from 200 citizens of Lucas county, praying that the supervisor system of county government be abolished, and commissioner system established.

Referred to the Committee on County and Township Organizations.

Mr. Fry presented a petition from George Washington, and other citizens of Van Buren, Davis, Jefferson, and Wapello counties, praying for a change in the road law, in regard to the appointment of road commissioners.

Referred to the Committee on Roads and Highways.

Mr. Hale presented a petition from the Board of Supervisors of Mills county, praying that the General Assembly of the State of Iowa enact a law, at their present session, raising the compensation of Township Assessors and members of the Board of Supervisors to (\$3) three dollars per day.

Referred to the Committee on Compensation of Public Officers.

Mr. Hale presented a petition from Wm. Robinson, and other citizens of Mills county, praying for an increased per diem of Co. Surveyors and Assessors.

Referred to the Committee on Compensation of Public Officers.

REPORTS OF COMMITTEES.

Mr. Darwin, from the Committee on the Judiciary, submitted the following reports:

MR. SPEAKER:—The Committee on the Judiciary, to whom was referred House File No. 111, "A bill for an act to amend an act entitled vacancies and special elections," have had the same under consideration, and concluding that it meets a real want, they recommend that the same be put upon its passage.

DARWIN, Chairman.

MR. SPEAKER:—The Judiciary Committee, to whom was referred House File No. 57, entitled "A bill for an act to authorize the Board of Supervisors to compromise certain judgments in favor of the State," have had the same under consideration, and concluding that, to prevent misconstruction, the same should be amended, recommend that between the word "defendants" and the words "the Board," there be inserted the words, "rendered in pursuance of Sec. 1791 of the Revision of 1860," to the end that the power of compromise may obtain only in cases of usury, and that the same having been so amended, be put upon its passage.

DARWIN, Chairman.

MR. SPEAKER:—The Committee on the Judiciary, to whom was referred House File No. 54, entitled "A bill for an act providing for a change of venue in preliminary examinations before a Justice of the Peace," have had the same under consideration, and recommend that the same be amended by striking out the word "magistrate," wherever the same occurs therein, and inserting "Justices of the Peace." Also, by adding after "jurisdiction," the words "to try and determine;" and that after being so amended, the same be put upon its passage.

DARWIN, Chairman.

MR. SPEAKER:—The Committee on Judiciary to whom was referred House File No. 71, entitled a bill for an act regulating appeals to the Supreme Court in certain cases, have had the same under consideration, and having come to an unfavorable conclusion thereon, herewith report a substitute therefor, which they recommend to be put upon its passage.

DARWIN, Chairman.

MR. SPEAKER:—The Committee on Judiciary to whom was referred House File No. 105, entitled a bill for an act to amend Chapter 22 of the Laws of 1864, providing for the early distribution of the decisions of the Supreme Court among District Judges, have had the same under consideration, and recommend that the same do not pass.

DARWIN, Chairman.

MR. SPEAKER:—The Committee on Judiciary to whom was referred House File No. 94, A bill for an act to authorize Courts upon granting change of venue in criminal prosecutions to require

witnesses to enter into recognizances for their appearance at the Court to which such change of venue may be granted, have had the same under consideration, and recommend : 1. That the blank before dollars be filled with "one hundred." 2. That the bill when so amended be put upon its passage.

DARWIN, Chairman.

MR. SPEAKER :—The Committee on Judiciary to whom was referred House File No. 83, entitled a bill for an act to repeal Section 2241 of the Revision of 1860, and enact a substitute therefor prescribing the mode of indexing the conveyances of town lots in cities and villages, have had the same under consideration, and inasmuch as they believe that the good sought would not counterbalance the mischief of tampering with the laws regarding records, they recommend that the same do not pass.

DARWIN, Chairman.

MR. SPEAKER :—House File No. 97, entitled a bill to repeal Section 4220 of the Revision of 1860, and to provide a substitute therefor, which was referred to the Committee on Judiciary, has been by them considered, and inasmuch as another bill of the same effect has been already ordered by the House to its third reading, thereby rendering this one unnecessary, they recommend that it be indefinitely postponed.

DARWIN, Chairman.

MR. SPEAKER :—The Committee on Judiciary to whom was referred Senate File No. 20, entitled a bill for an act amending Section 4324 of the Revision of 1860, in relation to willful trespass, have had the same under consideration, and have come to a favorable conclusion thereon, and therefore recommend that the same be put upon its passage.

DARWIN, Chairman.

MR. SPEAKER :—The Committee on Judiciary to whom was referred House File No. 121, entitled a bill to extend the elective franchise (which bill proposes to allow women to vote) have had the same under consideration and believing that the Constitution stands in the way of the legality of such proposed law, recommend that the same be indefinitely postponed.

DARWIN, Chairman.

Mr. Clark from the Committee on Claims, submitted the following report and accompanying bill :

The Committee on Claims to whom was referred the Joint Resolution authorizing and directing the Auditor of State to credit the county of Story with the sum of \$442.68 of State and Temporary School Funds, lost by the burning of the court house in said county on the night of December 31st, 1863, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to this House with the accompanying bill as a substitute for said Joint Resolution, and recommend the passage of the same.

L. CLARK, Chairman.

The bill from the Committee on Claims, House File No. 140, A bill for an act to credit Story county, with certain sums of money, was read a first and second time and passed upon the Files.

Mr. Thorn from the Committee on County and Township Organizations, submitted the following reports:

MR. SPEAKER:—The Committee on County and Township Organization have had under their consideration House File No. 34, A bill for an act to repeal Sub-Division 23, Section 312, Chapter 22, Article 11, of Code of 1860, and recommend that the said bill do not pass.

THORN.

MR. SPEAKER:—The Committee on County and Township Organization to whom was referred House File No. 73, most respectfully report that they have had under consideration the same, A bill for an act to amend Section 312, of the Revision of 1860, in relation to building bridges, and recommend that the same be referred to the Committee on Roads and Highways.

THORN.

The recommendation of the Committee was concurred in and the bill so referred.

MR. SPEAKER:—The Committee on County and Township Organization asks to make the following report in regard to the petitions from the citizens of Greene county, asking additional Compensation for County Recorders.

And further, the petition of the citizens of Fayette county for increasing fees of Recorders of deeds, and ask that they be referred to the Committee on Compensation of Public Officers.

THORN.

The report of the Committee was concurred in and the matters were so referred.

Mr. Close presented the following report:

Your Committee on County and Township Organization to whom was referred the petition of the Board of Supervisors of Benton county, asking for an amendment to Section 307, of the Revision of 1860, have had the same under consideration and have instructed me to report the same back with bill in compliance with the prayer of said petitioners, with recommendation that it do pass.

C. CLOSE, Chairman.

The bill, (House File No. 141), A bill for an act to amend Section 307, of the Revision of 1860, in relation to the time of meeting of the Board of Supervisors, was read a first and second time and passed upon the Files.

Mr. Darwin from the Committee on the Judiciary submitted the following bills as reports from the Committee.

House File No. 142, A bill for an act to amend Section 4153, of the Revision of 1860, and to provide for the collection of costs in criminal cases.

The bill was read a first and second time and passed upon the Files.

House File No. 143, A bill for an act to legalize the acts of the State Auditor and State Treasurer in paying compensation to the Judges of the Supreme and District Courts in the absence of any law authorizing the same and to equalize such compensation.

The bill was read a first and second time and passed upon the Files.

The Committee on Engrossed Bills submitted the following report:

MR. SPEAKER:—Your Committee on Engrossed Bills, have examined the following House Files and report the same as correctly engrossed.

House File No. 60, A bill for an act to amend Section 4220 of Chapter 165, of the revision of 1860.

House File No. 79, A bill for an act to amend Section 799 of the revision of 1860, relating to registered letters containing County Treasurer's monthly reports to the Auditor of State.

House File No. 90, A bill for an act to amend Section 10, of Chapter 22, of the acts of the Tenth General Assembly.

House File No. 106, A bill for an act to pay bounties upon the scalps of certain wild animals.

House File No. 123, A bill for an act to amend Section one of Chapter twenty-five, of the laws of the extra session of the Ninth General Assembly.

L. DWELLE, Chairman.

Mr. Glasgow submitted the following reports.

Your Committee on Military Affairs, to whom was referred House File No. 126, A bill for an act relating to the Assistant Adjutant General, have had the same under consideration, and have instructed me to report the same back to the House, with the recommendation that it do pass.

S. L. GLASGOW, Chairman.

Your Committee on Military Affairs, to whom was referred so much of the Governor's Message as relates to the erection of a building suitable for an Arsenal, have had the same under consideration, and have instructed me to report the accompanying bill to the House with the recommendation that it do pass.

S. L. GLASGOW, Chairman.

The bill reported by the Committee on Military Affairs, viz.: House File No. 144, A bill for an act providing for the erection of a building for Adjutant-General's and Quartermaster-General's offices and for an Arsenal, was read a first and second times and passed upon the files.

Mr. Maxwell submitted the following report:

The Committee on Roads and Highways, to whom was referred House File No. 96, and substitute for same, have had the same under consideration and have instructed me to report the same back to the House without recommendation.

All of which is respectfully submitted.

GEO. M. MAXWELL, Chairman.

The Committee on Internal Improvements asked leave to have printed House File No. 84, A bill for an act to encourage immigration to the State of Iowa, and the House ordered the bill to be printed as reported by the Committee.

Mr. Thomson, from the Committee on Agriculture, submitted the following reports:

MR. SPEAKER:—Your Committee on Agriculture, to whom was referred House File No. 72, A bill for an act to prevent the spreading of contagious diseases among swine, have had the same under consideration and have instructed me to report it back to the House with the following amendments to-wit: strike out the words "cholera or other" in the first and second sections, and the whole of the fifth section, and recommend the adoption of the amendments and that the bill be put upon its passage.

H. M. THOMSON, Chairman.

MR. SPEAKER:—Your Committee on Agriculture, to whom was referred House File No. 136, A bill for an act to repeal Section 1 of Chapter 109 of the Acts of the Tenth General Assembly relating to Agriculture, have had the same under consideration and have instructed me to report it back to the House with the recommendation that it do not pass.

H. M. THOMSON, Chairman.

MR. SPEAKER:—The Committee on Agriculture, to whom was referred House File No. 88, "A bill for an act to prohibit one or more of the several owners of land inclosed in common, turning domestic animals, during certain seasons of the year, into such inclosure without the consent of all the other owners," have had the same under consideration, and have instructed me to report it back to the House, with a recommendation that the bill do pass.

H. M. THOMSON, Chairman.

Mr. Williams, of Winnesheik, submitted the following report:

The Committee on Incorporations, to whom was referred Senate File No. 12, being a bill for an act to amend section 1133 of the Revision of 1860, in relation to the incorporation of towns and cities, and to legalize the publication of the by-laws and ordinances of certain towns and cities heretofore passed and not published according to law, have had the same under consideration, and have instructed me to report the same back to the House with the following amendment: By inserting after the word "ordinances," in the second line of Sec. No. 2, the word "heretofore," and recommend that the same do pass.

H. B. WILLIAMS, Chairman.

Mr. Wilson, of Marshall, submitted the following report:

The Committee on Senatorial and Representative Districts, who have had under consideration the re-apportionment of the State into Senatorial and Representative Districts, submit the accompanying bill, and recommend the passage of the same.

THOMAS J. WILSON,
Chairman of said Committee.

House File No. 145, A bill for an act apportioning the State of Iowa into Representative Districts, was read a first and second times, and ordered printed.

Mr. Wilson, of Marshall, submitted the following report :

The Committee on Senatorial and Representative Districts, who have had under consideration the re-apportionment of the State into Senatorial and Representative Districts, submit the accompanying bill, and recommend the passage of the same.

THOMAS J. WILSON,
Chairman of said Committee.

House File No. 146, A bill for an act apportioning the State of Iowa into Senatorial Districts, was read a first and second times, and ordered printed.

By leave, Mr. Darwin offered the following resolution, which was adopted :

Resolved, That a committee of three be appointed to determine the cause, and, if possible, remove the grievance, of bad air which now afflicts this House.

Messrs. Boomer, Clark, and Garrett were appointed a committee in pursuance of the resolution of Mr. Darwin.

Mr. Burnett, from the Committee on the Iowa Soldiers' Orphans' Home, submitted the following bill as a report from that committee :

House File No. 147, A bill for an act to aid in the support and education of soldiers' orphans of Iowa, and for the benefit of the Iowa Soldiers' Orphans' Home.

The bill was read a first and second times.

Mr. Darwin moved that 1500 copies of the bill be printed for the use of the House.

The motion prevailed.

Mr. Glasgow submitted the following report :

Your Special Committee to whom was referred House File No. 130, A bill for an act to secure to Joseph Skipper his home at the price of \$1.25 per acre, of lands known as the excess of the 500,000 acre grant, have had the same under consideration, and similar cases having come to the knowledge of your Committee, they have instructed me to report to the House the accompanying bill as a substitute for said House File No. 150, with the recommendation that said substitute do pass.

S. L. GLASGOW, for Committee.

Mr. Abbott submitted the following report :

The Special Committee to whom was referred Senate File No. 48, have had the same under consideration, and directed me to report the same back with the recommendation that it do pass.

W. S. M. ABBOTT, Chairman.

Mr. Abbott moved that the rule be suspended, and the bill (Senate File No. 48) be read a third time now.

The motion prevailed and the bill was read a third time, and

upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Hale, Holden, Huggins, Joy, Knapp, Landes, Leffingwell, Linderman, Lowdon, Martin, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—85.

Absent and not voting, Messrs. Brown of Madison, Buck, Finkbine, Gamble, Griffith, Hand, Holmes, Knox, Maxwell, O'Brien, Olmstead, Stockman and Walden—13.

So the bill passed and the title was agreed to.

INTRODUCTION OF BILLS.

Mr. Leffingwell introduced House File No. 148, A bill for an act to amend Chapter 54, Section 1276, Code of Iowa, Revision of 1860, relating to mill-dams, which was read a first and second time and referred to Committee on Domestic Manufactures.

Mr. Burnett introduced House File No. 149, A bill for an act to amend Section 1102, of the Revision of 1860, to confer upon cities of the second class the power of choosing Police Justices, which was read a first and second time and referred to the Judiciary Committee.

Mr. Mills introduced House File No. 150, A bill for an act requiring County Treasurers to properly post their books, and make report to Clerk of County Board of Supervisors, which was read a first and second time and referred to Committee on the Judiciary.

Mr. Wilson of Jackson introduced House File No. 151, A bill for an act to amend Chapter 168, of the acts of the Ninth General Assembly, in relation to the duties of County Treasurers and increasing the penalty therein contained, which was read a first and second time and referred to the Judiciary Committee.

Mr. Thomson introduced House File No. 152, A bill for an act to vacate certain portions of a Territorial Road known as the Parkhurst and and Tipton Road, which was read a first and second time and referred to the Committee on Roads and Highways.

Mr. Thomson introduced House File No. 153, A bill for an act to enable the citizens of counties to restrain cattle, horses and mules from running at large, which was read a first and second

time and referred to Committee on Agriculture and ordered printed.

Mr. Martin introduced House File No. 154, A bill for an act to amend Section 2199, of the Revision of 1860, which was read a first and second time and referred to Judiciary Committee.

Mr. McKean introduced House File No. 155, A bill for an act to prescribe the mode of filling vacancies in the offices of Justice of the Peace, Constable, and members of the County Board of Supervisors, which was read a first and second time and referred to the Committee on County and Township Organization.

Mr. Dashiell introduced House File No. 156, A bill for an act to amend Section 447, of the Revision of 1860, affixing a penalty upon Township officers for refusing to qualify and serve, which was read a first and second time and referred to Committee on County and Township Organization.

Mr. Bolter introduced House File No. 157, A bill for an act for the relief of wounded and disabled soldiers which was read a first and second time and referred to a select Committee, of which Mr. Darwin is Chairman, and ordered to be printed.

The Chair appointed as such Committee Messrs. Darwin, Glasgow, Clark, Bolter, and Barnes.

Mr. McLaughlin introduced House File No. 158, A bill for an act to repeal Section 2742, of the Revision of 1860, in relation to limitations of actions, which was read a first and second time and referred to Judiciary Committee.

Mr. Williams of Des Moines, introduced House File No. 159, A bill for an act amending certain sections of the laws in relation to School funds, which was read a first and second time and referred to Committee on Ways and Means.

Mr. Bennett introduced House File No. 160, A bill for an act to amend Chapter 169 of the Acts of the Ninth General Assembly relating to the duties of railroad companies, which was read first and second times and referred to the Judiciary Committee, and ordered to be printed.

Mr. Garber introduced House File No. 161, A bill for an act to increase the number of weeks that common schools shall be taught in each year, which was read a first and second times and referred to Committee on Schools.

Mr. Goodrich introduced House File No. 162, A bill for an act to amend Chapter 52 of the Code of Iowa, Revision of 1860, entitled "Corporations for pecuniary profit," which was read first and second times and referred to Committee on Internal Improvements, and ordered to be printed.

Mr. Goodrich introduced House File No. 163, A bill for an act for the protection of certain manufactories, by exempting them from taxation for a term of years, which was read first and second times and referred to Committee on Domestic Manufactures, and ordered to be printed.

Mr. Leffingwell introduced House File No. 164, A bill for an

act to legalize the acts of the city council of the city of McGregor, in relation to the levy of taxes, which was read first and second times.

Mr. Leffingwell moved that the rules be suspended and the bill be engrossed for a third reading, which motion prevailed.

Mr. Leffingwell moved that the bill be considered engrossed and read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Huggins, Joy, Knapp, Landes, Leffingwell, Linderman, Lowdon, Martin, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—86.

The nays were none.

Absent or not voting, Messrs. Ballinger, Barker, Buck, Conway, Gamble, Hand, Knox, Maxwell, O'Brien, Olmstead, Stockman and Walden—12.

So the bill passed and the title was agreed to.

Mr. Wilson, of Marshall, introduced House File No. 165, A bill for an act to amend Section 73, Chapter 102 of the Acts of the Ninth General Assembly, passed April 8, 1862, and the amendment thereto, by the Act of the Tenth General Assembly, Section 4, Chapter 102, prescribing the duties and increasing the compensation of County Superintendents, which was read first and second times and referred to Committee on Schools.

Mr. Wilson, of Dubuque, introduced House File No. 166, A bill for an act to change the terms of Court in the Ninth Judicial District, which was read first and second times, and referred to the delegation from the Ninth Judicial District.

Mr. Wilson, of Dubuque, introduced House File No. 167, A bill for an act to amend Sections 4209 and 4210, Chapter 165, of the Revision of 1860, which was read first and second times by its title and referred to the Committee on Judiciary.

Mr. Martin introduced House File No. 168, A bill for an act resuming the lands granted to the Cedar Rapids & Missouri River Railroad Company, which was read first and second times and re-

ferred to the Committee on Railroads and ordered to be printed.

Mr. Van Leuven introduced House File No. 169, A bill for an act declaring all additions to incorporate towns and cities a part of said towns or cities, which was read first and second times and referred to Committee on Incorporations.

Mr. Joy introduced House File No. 170, A bill for an act to accept of the grant and carry into execution the trust conferred upon the State of Iowa by an act of Congress entitled "An act for a grant of land to the State of Iowa in alternate sections to aid in the construction of a Railroad in said State," which was read a first and second time and referred to the Committee on Railroads.

Mr. Sipple introduced House File No. 171, A bill for an act to retire the circulation of Bank Notes of the State Bank of Iowa, which was read a first and second times, and referred to Committee on Banks and Banking.

Mr. Abbott introduced House File No. 172, A bill for an act further defining the duties of judges of elections, which was read a first and second time.

Mr. Abbott moved that the bill do lie on the table and be printed.

On this question the yeas and nays were demanded, and were as follows:

The yeas were Messrs. Abbott, Bennett, Brown of Madison, Brown of Winneshiek, Burnett, Carbee, Close, Darwin, Dudley, Dwelle, Flanders, Fry, Glasgow, Goodrich, Graves, Griffith, Hale, Holden, Huggins, Joy, Knapp, Leffingwell, Linderman, McPherson, McNutt, McCallough, Mills, Palmer, Poindexter, Rohlfis, Runyan, Sapp, Safely, Sherman, Tracy, Travis, Tisdale, Thomson, Wilcox, Wilson of Dubuque, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—43

The nays were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Clark, Comfort, Crawford, Dashiell, DeForest, Emery, Fellows, Finkbine, Gary, Garrett, Garber, Godfrey, Landes, Lowdon, Martin, McLaughlin, McKean, Morgan, Rogers, Russell, Ryan, Serrin, Sipple, Thacher, Thorn, Van Leuven, West, Wright, Williams of Des Moines, Wilson of Jackson—43.

Absent or not voting, Messrs. Buck, Conway, Gamble, Gaylord, Hand, Holmes, Knox, Maxwell, O'Brien, Olnstead, Stockman, and Walden—12.

So the motion did not prevail.

On motion of Mr. Abbott, the bill was referred to the Judiciary Committee.

Mr. Darwin introduced House File No. 173, A bill for an act to enlarge the rights of married women.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Darwin introduced House File No. 174, A bill for an act for the protection of sureties.

Read a first and second time and referred to the Judiciary Committee.

Mr. Brown of Louisa, introduced House File No. 175, A bill for an act to restrain stock from running at large.

Read first and second times and referred to the Committee on Agriculture, and ordered to be printed.

Mr. Lowdon introduced House File No. 176, A bill for an act to amend Section 84, Chapter 172 of the Acts of the Ninth General Assembly.

Read first and second times and referred to the Committee on Schools.

RESOLUTIONS.

Mr. Bennett introduced the following resolution, which on motion of Mr. Sapp was laid upon the table and ordered printed :

WHEREAS, The occupation of Mexico by the forces of the Emperor of the French, and the attempted organization of the Imperial Government of Maximilian, are absolutely subversive of republicanism in that country and in hostile violation of the well defined policy of this Government ; and

WHEREAS, The establishment of a monarchy on our immediate border to serve some foreign power as a gate-keeper in times of war, will be a standing menace and perpetual insult to the Government of the United States, and must eventuate in the disturbance of those relations of amity which have so long existed between this nation and those of continental Europe ; therefore,

Resolved by the General Assembly of the State of Iowa, That we enter our solemn protest against any interference by foreign powers in the affairs of the Republic of Mexico, and that the exercise of Imperial Power over that country by Maximilian is but the deliberate murder of a nation, and the basest act of usurpation.

Resolved, That that feeble Republic in its struggle for existence, and those brave men as they strive to expel from their shores the invading despot, are entitled to the warmest sympathies of all lovers of free government and the rights of man.

Resolved, That our Senators and Representatives in Congress be requested to use their influence to prevent, in any form, the recognition of the pretended government of Maximilian, and that they urge by all honorable means the withdrawal of all foreign forces from the soil of Mexico at the earliest possible day.

Resolved, That the Secretary of State be instructed to forward immediately a copy of these resolutions to each of our Senators and Representatives in Congress.

Mr. Close introduced the following resolution, which was referred to the Committee on Military Affairs.

WHEREAS, The present general militia law of this State is burdensome to the people, and so far of none effect in a majority of the counties of the State; and

WHEREAS, There exists at present no necessity for a general militia law, as the cause for which the present law was called into existence has been subserved; and as it is believed that an independent company militia law would meet the necessities of the present, and would be less burdensome to the people; therefore be it

Resolved, That the Committee on Military Affairs are hereby requested (if they, in their judgment, should deem it best) to report a bill repealing the present militia law, and substitute therefor an independent company militia system.

Mr. Darwin introduced the following resolution, which was adopted:

Be it resolved by the General Assembly of the State of Iowa, That the Secretary of State transmit to the library of the Orphans' Home at Davenport, Iowa, and also to that at Cedar Falls, Iowa, to become part of said library, two copies of each document or book which has been or shall be distributed this session by the General Assembly, and also copies of all other documents such as have been heretofore so distributed, so far as it can be done without reprinting.

Mr. Glasgow introduced the following resolution, which was adopted:

Resolved, That the Governor and the Register of the State Land Office be requested to furnish this House any information in their respective offices (not contained in the report of said Register) relative to the swamp land claims of the several counties of this State against the General Government, the difficulties, if any, in the way of a speedy settlement of the same, with a copy of such communications as they may have received from the Department of the Interior, and from our swamp land agents at Washington, if any, relating thereto. Also, what counties have sold their swamp land interests to the American Emigrant Company, or other persons, with such information relating to such sales as may be in their possession.

Mr. Clark introduced the following resolution, which was referred to the Committee on Federal Relations:

Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to have the initiatory measures adopted by Congress whereby the Constitution of the United States shall be so amended as to forever prohibit the United States or any State thereof, from assuming, or in any way becoming responsible for the so-called Confederate or rebel debt, or any other debt or obligation, or any part thereof, contracted to carry on, or for the purpose of aiding or assisting in any manner, to carry on

the war against, and designed to divide and destroy the Union.

Resolved, That a copy of these resolutions be forwarded by the Secretary of State to each of our Senators and Representatives in Congress.

Mr. Garber introduced the following resolution, which was adopted :

Be it resolved by the General Assembly of the State of Iowa, That the Senators in Congress from this State be instructed, and Representatives be requested, to use their utmost exertions to procure the establishment of a weekly mail route, at the earliest possible period, from Guttenberg, Clayton county, Iowa, via Elkport and Littleport, to Strawberry Point, in said county.

Resolved, That the Secretary of State be directed to forward to each of our Senators and Representatives in Congress, a copy of this resolution.

Mr. Abernethy introduced the following resolution, which was referred to the Committee on Constitutional Amendments :

Be it resolved by the General Assembly of the State of Iowa,

That the following be proposed as an amendment to the Constitution of the State of Iowa, viz :

ARTICLE 1. All persons shall be equal before the law, and there shall be no denial of the elective franchise, or any other right, on account of race or color; to this end the word "white" shall be stricken out of the Constitution in the following places, viz: Art. II, Sec. 1; Art. III, Secs. 4, 33, 34, and 35; and Art. VI, Sec. 1.

Mr. Runyan introduced the following resolution, which was adopted :

Be it resolved by the General Assembly of the State of Iowa, That Hon. Joseph Dysart, of Tama county, Hon. James McQuinn, and Hon. C. H. Conklin, of Benton county, be and are hereby appointed members of the Board of Trustees of the Asylum for the Blind, for the term of four years ending Feb. 1st, 1870.

The Committee on Enrolled Bills submitted the following report:

MR. SPEAKER:—The Senate Committee on Enrolled Bills have examined and report as correctly enrolled four Senate joint resolutions asking additional mail facilities in this State; also, Senate memorial asking Congress for a grant of lands to aid in the construction of the Iowa and Missouri State Line Railroad, and I present the same for your signature.

G. J. TISDALE, Chairman.

Mr. Brown, of Van Buren, introduced the following resolution, which was referred to the Committee on Federal Relations :

Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and Representatives requested, to use their best endeavors to procure, at the earliest possible moment, the establishment of a mail route from Vernon, in Van Buren county, Iowa, to Memphis, in Scotland county, Mo., via Mt. Sterling and Upton, in Van Buren county, Iowa.

Resolved, That the Secretary of State be instructed to transmit to each of our Senators and Representatives in Congress, a copy of these resolutions, duly certified.

Mr. Fellows introduced the following resolution, which was adopted :

Resolved, That the Superintendent of Public Instruction be requested to furnish each member of this House with a copy of the School Laws of Iowa.

Mr. Brown, of Louisa, introduced the following resolution, which was adopted :

Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested to use their influence for the establishment of a tri-weekly mail from Burlington, in Des Moines county, to Ononwa, in Louisa county, by way of Port Louisa and Grandview in Louisa county.

Resolved, That the Secretary of State be instructed to forward a copy of this resolution to our members of Congress.

Mr. Serrin introduced the following resolution :

Resolved by the House of Representatives, the Senate concurring, That when this General Assembly adjourn, it be on the 1st day of March next, without day.

Mr. Wilson of Dubuque, moved that the resolution be laid upon the table, which motion prevailed.

Mr. Goodrich introduced the following resolution :

Be it resolved by the House of Representatives: 1. That in the opinion of this House, the powers and duties of boards of supervisors in relation to highways should be conferred upon and performed by the township trustees in the several townships in each of the counties of this State, and to this end,

Resolved, 2. That a Select Committee of three, with Wilson of Dubuque, Chairman, be appointed, whose duty it shall be to report a bill to this House providing for the transfer of all the powers and duties of boards of supervisors in relation to highways to the township trustees in the several townships in each of the counties in this State.

The consideration of the resolution was postponed until tomorrow.

The following message from His Excellency, the Governor, was received through Major North, Private Secretary :

To the House of Representatives :

As requested by your resolution of the 27th ult., desiring information as to whether any lands have been certified by me to the Land Grant Railroads of this State since the meeting of the Tenth General Assembly, and if so, what roads, and the amounts respectively, together with the reasons for so doing, I have the honor to

reply that no certificate or patent for lands has been issued from this Department to any of the Companies designated.

It is proper to state however, that since the adjournment of the last General Assembly, certificates have been issued upon proper evidence to the Secretary of the Interior as contemplated by law, for the completion of certain consecutive miles of road, by the following named Companies: Cedar Rapids & Missouri River, 100 miles; McGregor Western, 40 miles; and the Dubuque & Sioux City, 20 miles.

Beyond the granting of these certificates nothing has been done by the State towards securing lands to any of the Companies designated by the Acts of Congress, or the laws of this State.

W. M. STONE, Governor.

The message of the Governor was laid upon the table, and ordered printed.

Leave of absence was granted to Mr. Maxwell for one week, to Mr. Landes for ten days, and to Mr. Runyan for four days.

Mr. Flanders moved that the House do now adjourn until 9 o'clock A. M., to-morrow.

The motion prevailed and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, February 7, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Childs.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills, in which the concurrence of the House is asked.

Substitute for Senate File No. 70, A bill for an act to establish a law department to State University.

Senate File No. 86, A bill for an act to enable aliens to acquire control and dispose of property as citizens.

House File No. 69, A bill for an act making provision for the settlement of all liabilities of the State and University growing out of the sale of certain lands in Appanoose county sold as saline lands, with Senate amendments as follows: By striking out of Section 1, in the seventeenth and eighteenth lines the words

"whether as principal or interest." By striking out of Section 2, after the words "statement" in the fifth line the words "with ten per cent. per annum interest upon each sum so paid on said contract, certificate or patent from the time of payment until the time said account shall be audited as aforesaid; and by striking out of Section 3, in the third line the words "one thousand" and inserting the words "four hundred and fifty."

I am further directed to inform you that Senators Warren and Richards have been appointed members on the part of the Senate, of the Joint Committee to whom shall be referred that part of the Governor's Message relating to claims against the United States.

JAMES M. WEART, Ass't Secretary.

Mr. Bolter moved to strike out the pronoun "whom" and insert "which" wherever it occurs in reports from Committees.

Mr. Fellows moved that the matter be referred to the Committee on Schools. Carried.

ENROLLED BILLS.

The Committee on Enrolled bills presented the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills has received Senate File No. 48, which the Senate Committee on Enrolled Bills has examined and found correctly enrolled, and the same is presented for your signature.

G. J. TISDALE, Chairman.

Mr. Clark moved to take up the Governor's Message in reference to General Custar and the First Iowa Cavalry, and refer the same to members of the First Iowa Cavalry on this floor. Carried.

The following communication was received from the Dubuque delegation in this General Assembly:

To COL. ED WRIGHT, *Speaker of the House of Representatives*:

SIR: The undersigned are directed by the Board of Produce Exchange of the City of Dubuque, to extend to the members of the General Assembly, a cordial invitation on behalf of said Board to visit the City of Dubuque and attend the Convention on the 14th inst., to consider the subject of improving the Rapids of the Mississippi river.

Hoping the General Assembly will accept the invitation, we are,
Yours respectfully,

T. S. WILSON,
W. T. BARKER,
B. B. RICHARDS,
F. M. KNOLL,
A. BAHL,
D. O'BRIEN,

Dubuque Delegation.

Mr. Wilcox offered the following resolution:

Resolved by the General Assembly of the State of Iowa, That this Assembly accepts the invitation of the Board of Produce Exchange of the City of Dubuque, to visit said City and attend the Convention on the 14th inst., to consider the subject of the improvement of the Mississippi river. Adopted.

On motion of Mr. Hale, House File No. 95, A bill for an act to regulate grist-mills and define the duties of mills and mill owners, was taken from the table and passed on File.

The resolution of Mr. Goodrich of yesterday postponed to this morning, was taken up, and on motion of Mr. West, the resolution was referred to the Committee on Roads and Highways.

Mr. Wilcox moved that Mr. Sherman and Sapp be added to the Committee on Commerce.

The motion prevailed.

Mr. Martin offered the following resolution which was referred to a select Committee from Polk, Boone, Dallas, Webster and Hamilton counties, and ordered printed.

Joint Resolution pledging the State of Iowa to secure to its grantees the lands sold and patented to them by the State, and fully protect them therein.

WHEREAS, The State of Iowa, by its lawfully constituted agents and authorities, has heretofore sold and conveyed to various parties certain lands lying north of the Racoon Fork of the Des Moines River in said State, and supposed to belong to the grant of lands made to the State of Iowa, to aid in the improvement of the navigation of the Des Moines River, by an act of Congress, approved August 8, 1846, and the 500,000 acre grant, approved September 4, 1841, many of which lands have been settled upon, and improved in good faith by the purchasers thereof, and who trusting the titles of the State, have made their homes, have built school Houses, and towns thereon, and which lands though sold by the State at the rate of 1.25 dollars per acre, have increased in value until the same are worth far more than the purchase money, interest and taxes that have been paid thereon, and

WHEREAS, Certain Railroad Companies now claim said lands adverse to the titles made by the State of Iowa, as aforesaid, and are now pretending to exercise acts of ownership over a portion thereof, and threaten to dispossess the grantees of the State, and their acts and claims, are a cloud upon the titles made by the State, and have the effect to hinder or discourage the further improvement and sale thereof to the detriment of the holders of the State Patents, and

WHEREAS, It is the duty of the State of Iowa to protect its citizens in the enjoyment of all their rights, and more particularly to see that they do not suffer on account of the acts of the State, and to protect them in their homes and confirm their titles thereto, derived from the State. Therefore,

Resolved by the General Assembly of the State of Iowa, That the

State of Iowa will at all times fully protect its grantees as above cited, and perfect and confirm their titles, or will fully indemnify them in case of the failure of their titles, by the payment to them of the full value of their lands at the time when it may be ascertained that their titles made by the State as aforesaid have failed.

Mr. Gaylord offered the following resolution, which was adopted:

Resolved by the General Assembly of the State of Iowa, That our Representatives in Congress be requested and our Senators instructed to use their earnest efforts to secure the establishment of a mail route for a semi-weekly mail between Rockford, in the county of Floyd, and Northwood, in the county of Worth, *via* Rock Grove City, Nora Springs, Shell Rock Falls and Plymouth, and that our Secretary of State furnish to each of our members in Congress a copy of this resolution.

Mr. Knapp offered the following resolution, which was referred to the Committee on Compensation of Public Officers:

Resolved, That the temporary officers appointed at the opening of the present session of this House be allowed the following amounts for their services, and that the same be embodied in the general appropriation bill:

Chief Clerk, six dollars per day;

First Assistant Clerk, five dollars per day;

Sergeant-at-Arms, four dollars per day;

Door-keeper, three dollars per day;

Postmaster, four dollars per day;

Messengers, each two dollars per day;

And all other employees, each two dollars per day.

Mr. McCullough offered the following resolution, which was referred to the Committee on Federal Relations:

Joint Resolution of instruction to our Senators and Representatives in Congress relative to pay and pensions to widows or legal representatives of deceased officers, acting under commissions but not mustered in as such:

WHEREAS, In the late war many of the officers who were duly appointed and commissioned by the Governor of this and other States were on active duty in the field and thus or otherwise necessarily prevented from being mustered in by the proper United States mustering officer; and

WHEREAS, Upon their death prior to being so mustered under the laws and rulings of the pay and pension departments of the United States, the widows or legal representatives of such officers cannot receive the pay or pension of the grade to which they were thus commissioned, notwithstanding said officers occupied the position and acted as such at the time of their death, many of them having nobly fallen on the field of battle performing their duties as such; therefore

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed and our Representatives

requested to use their best endeavors to secure the passage of an act amendatory to the existing laws, providing that the widows or legal representatives of such officers be entitled to receive the same pay and emoluments for their services during the time they acted as such, as other officers of the same grade, and be entitled to draw pension in the grade in which said officer acted at the time of his death, without regard to the muster in.

Resolved, That a copy of these resolutions, duly authenticated, be transmitted by the Secretary of State to each of our Senators and Representatives in Congress.

Mr. Sipple offered the following resolution, which was referred to the Committee on Agriculture :

Be it resolved, That the Committee on Agriculture be instructed to enquire into the expediency of enacting a law to exempt farming implements to the amount of five hundred dollars, from taxation.

Mr. McCullough offered the following resolution :

Resolved, That the Committee on Judiciary be requested to report to this House whether in their opinion Congress has or has not the power to make the notes of the National Banks legal tender.

Mr. Rogers moved that the resolution be laid on the table.

The motion did not prevail, and the resolution was adopted.

Mr. DeForest offered the following resolution which was lost :

WHEREAS, The Attorney-General was instructed by resolution of this House to give an opinion upon the subject whether the General Assembly had the right to pass an act to regulate a tariff of prices for the transportation of freight and passengers over the various lines of railroads in this State ; and

WHEREAS, The Attorney-General has given his opinion adverse to such power, and has collected a large number of authorities to sustain his position and not one in favor of such power ; and

WHEREAS, The said Attorney-General intimates that the Law Libraries at the Capitol do not contain all the law upon the subject, and that he has not had sufficient time to collect all the authorities upon the same ; and

WHEREAS, The said subject is one of the greatest importance to the people of this State ; therefore be it

Resolved, That the Speaker of the House appoint Messrs. Rogers, Barker, Sapp, and Darwin to prepare an opinion on said subject, and report the same to this House at an early day.

Mr. Goodrich offered the following resolution which was adopted :

WHEREAS, Mrs. Catherine Desart, now a resident of Fayette county, State of Iowa, is the mother of nine sons, all of whom enlisted in the army of the United States as volunteers in the late war against the rebellion ; two of said sons were killed in battle, and one died of disease while in the service ; five of these nine

sons re-enlisted as veterans, making fourteen regular enlistments from this family of nine sons; and

WHEREAS, The said Catherine Desart now being sixty-one years of age and in very poor health, has at this time a daughter who is a cripple depending entirely on her mother for support, the said Catherine Desart being a widow and in very indigent circumstances, being obliged to live in a log cabin hardly fit for a stable, and entirely unable to build a better tenement for herself and her crippled daughter; therefore,

Be it resolved by the House of Representatives, That in consideration of the said Catherine Desart having furnished fourteen enlistments into the army of the Union from her own sons, thereby having rendered *great* and *special* service to her country; and further, in consideration of the low circumstances of the said Catherine Desart and of the absolute dependent condition of herself and her crippled daughter;

Resolved, That a select committee be appointed on the part of this House to investigate the circumstances in connection with the facts herein set forth, with instructions to report at an early day by bill for the relief of the said Catherine Desart and her crippled daughter.

Messrs. Goodrich, Fellows and Tisdale were appointed a Committee in pursuance of the foregoing resolution.

Mr. Thacher offered the following resolution:

WHEREAS, it is deemed a matter of immediate importance to the wool-growing interest of the State, to have some restriction to prevent the destruction of sheep by dogs; Therefore be it

Resolved, That the Committee on Agriculture be instructed to present to this House, at as early a period as possible, a bill for an act for the protection of sheep from dogs.

Mr. Close moved that it be laid on the table.

The motion to table did not prevail, and the resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has accepted an invitation tendered by the Board of Produce Exchange of the City of Dubuque, to visit the City of Dubuque and attend the Convention on the 14th inst., to consider the subject of improving the Rapids of the Mississippi river.

JAMES M. WEART, Asst. Secretary.

SPECIAL ORDER.

The hour having arrived for the consideration of special order, House File No. 102, A bill for an act in relation to the manner of

conveying lands to the McGregor Western Railroad Company, it was taken up.

Mr. Tisdale presented a substitute for the bill under consideration, and moved its adoption.

Mr. Poindexter moved that the whole matter be committed to the Committee on Railroads, and that said Committee be instructed to report a bill for a general law that shall be applicable to all Land Grant Railroads.

Mr. Tisdale moved to amend by striking out "general law" and inserting a bill "that shall meet the case presented in the substitute."

The amendment prevailed.

The motion to refer as amended was adopted.

Mr. Barker offered the following resolution, which was made a special order for Tuesday at 10 A. M., the 20th of February:

Resolved, That in the opinion of this House the General Assembly of the State of Iowa possesses the rightful Constitutional authority to regulate the fare for freight and passengers on the railways within the State.

Mr. Wilson, of Dubuque, introduced the following resolution:

WHEREAS, The Produce Exchange of the city of Dubuque has extended an invitation to the General Assembly to attend a convention to be held there on the 14th inst., the object of which is to promote the improvement of the rapids of the Mississippi river; and

WHEREAS, The General Assembly, regarding the subject as vitally important to the interests of the Northwest, has accepted said invitation.

Resolved by the House of Representatives, the Senate concurring, That the General Assembly will adjourn on the — day of February, 1866, until the — day of the same month.

Mr. Sherman moved that the first blank be filled with the word "12th."

Mr. Belt moved that the whole matter be laid upon the table.

Upon this question the yeas and nays were demanded and were as follows:

The yeas were Messrs. Abbott, Alcorn, Belt, Bereman, Brown of Madison, Brown of Winneshiek, Carbee, Close, Crawford, Dashiell, Dudley, Dwelle, Emery, Flanders, Fry, Garrett, Godfrey, Graves, Griffith, Huggins, Joy, Knapp, Knox, Martin, Mills, Morgan, Travis, Thomson, Van Leuven, Wilson of Jackson—30.

The nays were Messrs. Abernethy, Barnes, Barker, Bahl, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Burnett, Clark, Comfort, Conway, Darwin, DeForest, Fellows, Finkbine, Gaylord, Gary, Garber, Glasgow, Goodrich, Hale, Leffingwell, Lowdon, McPherson, McNutt, McCullough, McKean, Poindexter, Rogers, Rohlf, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Tisdale, Thorn, West, Wilcox, Wright,

Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—49.

Absent or not voting, Messrs. Ballinger, Bennett, Boomer, Bolter, Buck, Gamble, Hand, Holmes, Holden, Landes, Linderman, Maxwell, McLaughlin, O'Brien, Olmstead, Palmer, Runyan, Stockman and Walden—19.

The motion to lay upon the table did not prevail.

Upon the motion of Mr. Sherman to fill the first blank with the word "twelfth," the yeas and nays were demanded and were as follows:

The yeas were Messrs. Parker, Bahl, Brown of Decatur, Brown of Van Buren, Carbee, Comfort, Crawford, Dashiell, De Forest, Fellows, Finkbine, Gaylord, Garrett, Garber, Godfrey, Holden, Joy, Knapp, Knox, Leffingwell, Linderman, Martin, McCullough, Poindexter, Rogers, Rohlf, Russell, Ryan, Sapp, Sherman, Thacher, Travis, Tisdale, Thomson, Thorn, West, and Mr. Speaker—38.

The nays were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Belt, Bereman, Bolter, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Clark, Close, Conway, Darwin, Dudley, Dwelle, Emery, Fellows, Fry, Gary, Glasgow, Goodrich, Graves, Griffith, Hale, Huggins, Lowdon, McPherson, McNutt, McKean, Mills, Safely, Serrin, Sipple, Tracy, Van Leuven, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, and Williams of Winneshiek—44.

Absent or not voting, Messrs. Bennett, Boomer, Buck, Gamble, Hand, Holmes, Landes, Maxwell, McLaughlin, Morgan, O'Brien, Olmstead, Palmer, Runyan, Stockman, and Walden—16.

The motion did not prevail.

Mr. Wilcox moved that the first blank be filled with the word "10th."

Upon this question the yeas and nays were demanded, and were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bolter, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Fellows, Finkbine, Flinders, Gary, Garber, Glasgow, Godfrey, Goodrich, Griffith, Huggins, Joy, Leffingwell, Lowdon, McPherson, McNutt, McCullough, McKean, Poindexter, Rogers, Rohlf, Russell, Ryan, Sapp, Safely, Sherman, Sipple, Tisdale, Thorn, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—58.

The nays were Messrs. Belt, Bereman, Brown of Decatur, Brown of Louisa, Brown of Winneshiek, Close, Emery, Fry, Garrett, Graves, Holden, Knapp, Knox, Martin, Mills, Morgan, Serrin, Tracy, Travis, Thomson, Van Leuven—21.

Absent or not voting, Messrs. Bennett, Boomer, Buck, Gamble, Gaylord, Hale, Hand, Holmes, Landes, Linderman, Maxwell, Mc

Laughlin, O'Brien, Olmstead, Palmer, Runyan, Stockman, Thacher, and Walden—19.

The motion prevailed, and the blank was so filled.

Mr. Close offered the following amendment to the resolution :

Provided, That there shall be no expense incurred to the State during such visit to Dubuque by the members and officers of this General Assembly, either as to per diem, or traveling to and from Dubuque, or for postage.

Upon this amendment, the yeas and nays were as follows :

The yeas were Messrs. Belt, Bereman, Brown of Decatur, Brown of Madison, Close, Conway, Dashiell, DeForest, Dudley Dwelle, Emery, Fry, Gary, Garrett, Godfrey, Graves, Griffith, Knapp, Knox, Lowdon, Mills, Morgan, Rogers, Safely, Serrin, Tracy, Travis, Thomson, Van Leuven, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—32.

The nays were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bolter, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Comfort, Crawford, Darwin, Fellows, Finkbine, Flanders, Gaylord, Garber, Glasgow, Goodrich, Holden, Huggins, Joy, Leffingwell, Linderman, Martin, McPherson, McNutt, McCullough, McKean, Poindexter, Rohlf, Russell, Ryan, Sapp, Sherman, Sipple, Thacher, Tisdale, Thorn, West, Wilcox, Wright, Wilson of Dubuque, Wilson of Marshall, Mr. Speaker—50.

Absent or not voting, Messrs. Bennett, Boomer, Buck, Gamble, Hale, Hand, Holmes, Landes, Maxwell, McLaughlin, O'Brien, Olmstead, Palmer, Runyan, Stockman, and Walden—16.

The amendment was lost.

Mr. Clark moved that the last blank be filled with the word "nineteenth."

The motion prevailed.

Mr. Abbott offered the following amendment, which was lost.

Provided, That no member shall be regarded as under any moral or pecuniary obligation to draw his per diem or postage for the time of such absence.

Upon the adoption of the resolution the yeas and nays were demanded, and were as follows.

The yeas were Messrs. Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Burnett, Clark, Conway, Crawford, Darwin, Dudley, Fellows, Finkbine, Gaylord, Gary, Garber, Glasgow, Goodrich, Knapp, Leffingwell, Linderman, Lowdon, McPherson, McNutt, McCullough, McKean, Poindexter, Rohlf, Ryan, Sapp, Safely, Sherman, Sipple, Thorn, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—46.

The nays were Messrs. Abernethy, Belt, Bereman, Brown of Madison, Brown of Winneshiek, Close, Comfort, Dashiell, DeFor-

est, Dwelle, Emery, Flanders, Fry, Garrett, Godfrey, Graves, Griffith, Holden, Huggins, Joy, Knox, Martin, Mills, Morgan, Rogers, Russell, Serrin, Tracy, Thacher, Travis, Tisdale, Thomson, Van Leuven, West, Wilson of Jackson—35.

Absent and not voting, Messrs. Bennett, Boomer, Buck, Carbee, Gamble, Hale, Hunt, Holmes, Landes, Maxwell, McLaughlin, McJunkin, O'Brien, Olmstead, Palmer, Runyan, Stockman and Walden—18.

So the resolution was adopted.

Leaves of absence were granted as follows :

To Mr. Tracy, four days; to Thomson, six days; and to Mr. Palmer, six days; Mr. McLaughlin, eight days.

On motion of Mr. Martin, the House adjourned until to-morrow at 9 o'clock, A. M.

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, Feb. 8, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. McCague.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

I am directed to inform your Honorable Body that the Senate has passed a concurrent resolution relative to the adjournment of the respective houses from the 10th to the 19th of the present month, which is transmitted herewith, and in which the concurrence of the House is respectfully asked.

I return herewith, House File No. 14, A bill for an act to provide for the distribution of the Governor's Biennial Message, the same having passed the Senate without amendment.

I am further directed to inform you that the Senate has refused to concur in the House resolution relative to the adjournment of the General Assembly from the 10th to the 19th of the present month.

Also that Senators Larimer and Hart have been appointed members on the part of the Senate, of the Committee to visit the Soldier's Orphans' Home.

JAMES M. WEART, Asst. Secretary.

Mr. Wilson, of Dubuque, moved that the following resolution from the Senate be concurred in by the House:

Resolved by the Senate, the House concurring, That the Senate and House of Representatives, when they adjourn on the 10th day of February, 1866, their respective adjournments be until the 19th inst., at 10 o'clock A. M.

Upon the adoption of the resolution the yeas and nays were demanded, and are as follows :

The yeas were Messrs. Abernethy, Abbott, Ballinger, Barnes, Barker, Bahl, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winnesheik, Buck, Carbee, Clark, Conway, Crawford, Darwin, DeForest, Dudley, Fellows, Flanders, Fry, Garber, Glasgow, Holden, Knapp, Linderman, Lowdon, McPherson, McNutt, McCullough, McKean, Poindexter, Rogers, Rohlf, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Thorn, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—50.

The nays were Messrs. Bereman, Brown of Madison, Comfort, Dashiell, Dwelle, Emery, Gaylord, Garrett, Graves, Griffith, Joy, Knox, Mills, Morgan, Thacher, Travis, Tisdale, Van Leuven, Wilson of Jackson—19.

Absent or not voting, Messrs. Alcorn, Belt, Bennett, Boomer, Burnett, Close, Finkbine, Gamble, Gary, Godfrey, Goodrich, Hale, Hand, Holmes, Huggins, Landes, Leffingwell, Martin, Maxwell, McLaughlin, O'Brien, Olmstead, Palmer, Runyan, Russell, Stockman, Tracy, Thomson, and Walden—29.

So the resolution was adopted.

The following members were granted leaves of absence, to-wit : Mr. Sapp, for two days ; Mr. Alcorn, for two days ; Mr. Williams, of Winnesheik, for ten days ; Mr. Flanders, for two days ; Mr. Thacher, for two days ; Mr. Darwin, for two days ; Mr. Brown, of Madison, for one day (Saturday) ; Mr. Mills, for two days ; Mr. Wilson, of Dubuque, for two days ; Mr. Wilcox, for two days ; Mr. West, for two days ; Mr. Williams, of Des Moines, for one day (Saturday) ; Mr. Wright, for two days ; Mr. Emery, for two days ; Mr. Aldrich, Chief Clerk, for two days.

Mr. Morgan moved that the House adjourn over Friday and Saturday. Lost.

Mr. Lowdon was granted leave of absence for two days ; Mr. Wilson, of Marshall, for two days ; Mr. McNutt, for one day (Saturday) ; Mr. Fry, for one day (Saturday) ; Mr. Huggins, for one day (Saturday) ; Mr. Brown, of Louisa, for 19th and 20th February ; Mr. McKean, for 19th and 20th February ; Mr. Garber, 19th to 23d.

Mr. Brown, of Van Buren, moved to reconsider the vote by which leaves of absence were granted members.

Mr. Sapp moved to amend the motion so as to apply only to those members who were granted leaves for the 19th and 20th. Lost.

The motion to reconsider did not prevail.

MESSAGES ON THE SPEAKER'S TABLE.

The House took up the following amendments of the Senate to House File No. 30, A bill for an act extending the powers of the Auditor of State: Add after the end of section one the following: "*Provided*, That the claims shall be presented and audited at the Auditor's office."

Upon the question of concurring in the foregoing amendment, the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Graves, Griffith, Hale, Holden, Huggins, Joy, Knapp, Knox, Linderman, Lowdon, Martin, McPherson, McNutt, McCullough, McKean, Mills, Morgan, Poindexter, Rogers, Rohlf, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Thacher, Travis, Tisdale, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, and Mr. Speaker—75.

The nays were, none.

Absent or not voting, Messrs. Alcorn, Bennett, Boomer, Burnett, Finkbine, Gamble, Goodrich, Hand, Holmes, Landes, Leffingwell, Maxwell, McLaughlin, O'Brien, Olmstead, Palmer, Runyan, Russell, Stockman, Tracy, Thomson, Walden, and Williams of Winneshiek—23.

So the Senate amendment was concurred in.

The House took up the Senate's amendments to House File No. 69, A bill for an act making provision for the settlement of all liabilities of the State and University growing out of the sale of certain lands in Appanoose county, sold as Saline Lands; and after consideration of the same, Mr. Sapp moved that the bill be postponed until the 19th instant.

The motion to postpone the bill was adopted.

Senate File No. 78, A bill for an act amending Section 7, Chapter 172, of the Acts of the Ninth General Assembly, relating to School District Township meetings, was read a first and second time and referred to the Committee on Schools.

Senate File No. 44, A bill for an act changing the corporate name of Independent School District Townships, was read a first and second time and referred to the Committee on Schools.

Senate File No. 70, A bill for an act to establish a law department in the State University, was read a first and second time and referred to the Committee on the State University.

Senate File No. 86, A bill for an act to enable aliens to acquire

control and dispose of property as citizens, was read a first and second time and referred to the Committee on the Judiciary.

Substitute for Senate File No. 10, A bill for an act to award costs against private prosecutors on preliminary examinations in criminal cases, was read a first and second time and referred to the Committee on the Judiciary.

Senate File No. 30, A bill for an act for the relief of D. B. Hillis was read a first and second time and referred to the Committee on Claims.

Substitute for Senate File No. 7, A bill for an act providing dockets for Justices of the Peace, was read a first and second time and referred to the Committee on Judiciary.

Senate File No. 11, A bill for an act in relation to additional justices of the peace and their dockets, was read a first and second time and referred to the Committee on County and Township Organizations.

Substitute for Senate File No. 76, A bill for an act to repeal part of Section 262 of Chapter 22 of the Revision of 1860, relating to the time of holding county courts, was read a first and second time and referred to the Committee on Judiciary.

The House took up the Senate's amendment to the House Joint Resolution relative to distribution of Supreme Court Reports, to-wit: Strike out "Secretary and Clerks of the Senate, the Clerks of the House of Representatives, and Reporters, Postmasters and Sergeant-at-Arms of both branches of this General Assembly."

Mr. Rogers moved that the matter be postponed until the first of March.

The motion to postpone did not prevail.

By unanimous consent, House File No. 90, A bill for an act to amend Section 10, of Chapter 22, of the Acts of the Tenth General Assembly, was read a third time, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Carbee, Clark, Close, Comfort, Conway, Crawford, DeForest, Dudley, Dwelle, Emery, Flanders, Fry, Garrett, Garber, Glasgow, Godfrey, Graves, Hale, Holden, Huggins, Joy, Knapp, Knox, Linderman, Lowdon, Martin, McPherson, McNutt, McKean, Mills, Morgan, Poindexter, Ruhlfs, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Thacher, Travis, Tisdale, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—64.

The nays were Messrs. Belt, Bereman, Darwin, Dashiell, Griffith, and Rogers—6.

Absent or not voting, Messrs. Ballinger, Barker, Bennett, Boomer, Burnett, Finkbine, Fellows, Gamble, Gaylord, Gary, Goodrich, Hand, Holmes, Landes, Leffingwell, Maxwell, McCul-

lough, McLaughlin, O'Brien, Olmstead, Palmer, Runyan, Russell, Stockman, Tracy, Thomson, Walden, and Wilson of Dubuque—28.

So the bill passed and the title was agreed to.

The amendment of the Senate to the House resolution relative to distribution of Supreme Court Reports, was then concurred in.

BILLS ON SECOND READING.

House File No. 111, A bill for an act to amend an act entitled "Vacancies and Special Elections," was considered and ordered to be engrossed and read a third time.

House File No. 57, A bill for an act to authorize the Board of Supervisors to compromise certain judgments in favor of the State was considered

The question being upon the amendments recommended by the Judiciary Committee, the same were adopted.

The bill was then ordered to be engrossed and read a third time.

House File No. 54, A bill for an act providing for a change of venue in preliminary examinations before a Justice of the Peace, was taken up and considered.

The House refused to concur in the report of the Judiciary Committee recommending certain amendments.

Mr. Dashiell offered a substitute for the bill, and moved its adoption.

Mr. Godfrey moved that the bill and substitute be recommitted. Lost.

Mr. Fellows moved the following amendment to the substitute: Add to section one the words "at any time before the commencement of the examination."

The amendment was adopted.

Mr. McKean moved the following amendment to section three: Insert after the word "exists" the words "or are stated in the affidavit for the change of venue."

Mr. Van Leuven moved that the whole matter be postponed until to-morrow at 10 o'clock A. M.

The motion prevailed.

MESSAGE FROM THE SENATE.

MR. SPEAKER:—I am directed by the Senate to respectfully ask of the House the return of Senate File No. 86, A bill for an act to enable aliens to acquire, control and dispose of property as citizens.

J. W. DIXON, Secretary.

The request was granted and the bill so returned.

MESSAGE FROM THE GOVERNOR.

The following message from His Excellency, Governor Wm. M. Stone, was presented to the House by Major North, Private Secretary:

STATE OF IOWA, EXECUTIVE DEPARTMENT, }
 DES MOINES, February 6th, 1866. }

Gentlemen of the House :

I have the honor herewith to submit to your honorable body a statement of the amount expended under the appropriation made by Chapter XXXII, Acts of the 10th General Assembly, for extraordinary expenses of the Executive Office, and for the relief of sick and wounded soldiers.

Amount appropriated directly to Governor.....\$15,000

Amount placed under control of Census Board... 25,000

Total appropriation.....\$40,000

Amount drawn by Executive to pay bills incurred prior to January 14th, 1864.....\$ 3,500

For bills incurred and paid since that date..... 11,500

Total.....\$15,000

Amount allowed Executive by Census Board, March 31st, 1865, which was drawn and expended.....\$ 5,000

Amount allowed and drawn in January, 1866.... 700

On the 21st of September, 1865, upon statements made by R. G. Orwig, Private Secretary, as to the amounts then due from the Contingent Fund and unpaid, the Census Board made an order allowing the sum of \$6,500 from the fund under their control.

Total amount drawn up to February 1st, 1866, including allowance to Executive.....\$27,200

Amount refunded to Contingent Fund..... 877

\$28,077

For the total expenditure of the above there are vouchers and certificates on file, except the sum of \$1,425.37, of the amount allowed to Orwig, as aforesaid, and disbursed by him.

This sum having been allowed and disbursed in my absence from the Capital, and there being no vouchers in this office to cover it, I am, for these reasons, unable to state the purpose for which the last mentioned sum was expended.

There is on file with the vouchers furnished, a statement from Mr. Orwig, verified by his affidavit, that the whole of the above sum, unaccounted for by vouchers, has been properly expended in paying legitimate demands against the Contingent Fund, and that satisfactory evidence of these payments will be obtained.

I have deposited with the Auditor of State, vouchers for the entire amount of the disbursements above referred to, numbered consecutively from 1 to 162, inclusive, which, together with the abstract herewith submitted, show the persons to whom the money has been paid, and the purposes for which the same was expended.

W. M. STONE, Governor.

**EXTRAORDINARY EXPENSES OF EXECUTIVE OFFICE, FROM
JANUARY, 1864, TO FEBRUARY, 1866.**

AMOUNT.	No. of Voucher	FOR WHAT PURPOSE PAID.	TO WHOM PAID.
451 90	1	Sanitary.....	Dr. Maxwell.....
219 87	2	Money advanced to State.....	S. J. Kirkwood.....
50 00	3	Salary.....	R. G. Orwig.....
50 00	4	".....	Geo. J. North.....
100 00	5	Flag.....	Bowen Bros.....
5 75	6	Money advanced.....	N. B. Baker.....
27 00	7	Sanitary.....	M. A. Ely.....
38 00	8	".....	F. E. Bissell.....
29 00	9	".....	G. W. Edwards.....
5 35	10	Freight.....	O. Fiske.....
9 99	11	Transportation.....	Railroad Company.....
1,660 77	12	Sanitary.....	Mrs. Wittenmyer.....
449 11	13	".....	J. C. Todd.....
50 00	14	Salary.....	Geo. J. North.....
50 00	15	".....	R. G. Orwig.....
200 00	16	Sanitary.....	J. C. Todd.....
112 70	17	".....	J. Dial.....
98 20	18	".....	J. Dial.....
38 00	19	Transportation.....	Packet Company.....
105 65	20	".....	J. Dial.....
150 00	21	".....	Soldiers' Home.....
35 29	22	".....	Q. M. G., Ohio.....
50 00	23	Salary.....	Geo. J. North.....
50 00	24	Sanitary.....	E. J. Mathis.....
75 00	25	Salary.....	Geo. J. North.....
5 75	26	Transportation.....	Railroad Company.....
50 00	27	Sanitary.....	Mrs. Chittenden.....
25 00	28	Salary.....	Geo. J. North.....
85 05	29	Sanitary.....	J. Dial.....
11 50	30	Transportation.....	J. S. Smith.....
104 06	31	".....	Railroad Company.....
200 00	32	Sanitary.....	Dr. Udell.....
9 00	33	Clerical work.....	J. M. Davis.....
305 00	34	Salary.....	Geo. J. North.....
1,000 00	35	Advanced on swamp land.....	Wm. Baker.....
8 18	36	Transportation.....	Railroad Company.....
6 00	37	Freight.....	Thompson.....
300 00	38	Sanitary.....	J. C. Todd.....
50 00	39	".....	Miss Shelton.....
100 00	40	".....	J. Dial.....
100 00	41	".....	N. Udell.....
150 00	42	".....	Mrs. Chittenden.....
250 00	43	".....	N. Udell.....
105 30	44	".....	J. Dial.....
150 00	45	".....	E. J. Mathis.....
5 00	46	Transportation.....	Steamer Jennie Whipple.....
532 55	46½	Sundry expenses.....	Sundry persons.....
5 93	47	Transportation.....	Railroad Company.....
200 00	48	Sanitary.....	Dr. N. Udell.....
2 00	49	Expressage.....	Express Company.....
135 00	50	Transportation.....	W. S. Company.....
526 00	50½	Various expenses.....	Various persons.....
2 75	51	Transportation.....	Express Company.....
150 00	52	Sanitary.....	J. C. Todd.....
1,192 25	52½	Sundry expenses.....	Different persons.....
12 93	53	Telegrams.....	Telegraph Company.....
4 00	54	Transportation.....	P. P. Lampey.....

EXTRAORDINARY EXPENSES—CONTINUED.

AMOUNT.	No. of Voucher	FOR WHAT PURPOSE PAID.	TO WHOM PAID.
170 00	55	Sanitary.....	D. A. Hoffman.....
8 43	56	Telegrams.....	Telegraph Company.....
47 90	57	Transportation.....	N. B. Baker.....
34 36	58	Telegrams.....	Telegraph Company.....
8 75	59	Clerking.....	A. Mathews.....
184 27	60	Transportation.....	G. W. Smith.....
147 81	61	Sanitary.....	N. B. Baker.....
150 00	62	".....	E. E. Bassett.....
5 00	63	".....	Chas. Beldwin.....
50 00	64	".....	J. Dial.....
300 00	65	".....	Mrs. Chittenden.....
33 65	66	Telegrams.....	Telegraph Company.....
300 00	67	Sanitary.....	Mrs. Horner.....
500 00	68	".....	J. Dial.....
300 00	69	".....	J. P. Roach.....
3 45	70	Telegrams.....	Telegraph Company.....
17 16	71	".....	".....
10 50	72	Sanitary.....	N. B. Baker.....
1 27	73	Transportation.....	Railroad Company.....
150 00	74	Sanitary.....	Geo. J. North.....
67 40	75	Powder.....	Laird Bros.....
1,000 00	76	Sanitary.....	Dr. N. Udell.....
658 00	76½	Sundry expenses.....	Sundry persons.....
80	77	Telegrams.....	Telegraph Company.....
11 29	78	Transportation.....	Thomas Hatton.....
64 65	79	Powder.....	J. McWilliams.....
9 00	80	Insurance on State Prison.....	J. Van Valkenburg.....
300 00	81	Sanitary.....	J. C. Todd.....
100 00	82	".....	N. Udell.....
40 15	83	".....	George Cowie.....
400 00	84	".....	".....
5 00	85	Painting.....	Milless & Lankester.....
160 00	86	Powder.....	Tuttle & Son.....
135 40	87	Sanitary.....	J. P. Roach.....
5 50	88	Transportation.....	Western Stage Company.....
11 00	89	".....	".....
100 00	90	Secret service.....	H. H. Field.....
13 13	91	Telegrams.....	Telegraph Company.....
300 00	92	Sanitary.....	J. Dial.....
1,050 00	93	".....	Mrs. Chittenden.....
56 74	94	".....	George Cowie.....
150 00	95	".....	J. P. Roach.....
27 79	96	Telegrams.....	Telegraph Company.....
225 00	97	Sanitary.....	J. C. Todd.....
393 20	98	".....	Mrs. Wittenmyer.....
60 00	99	".....	J. C. Todd.....
25 00	100	Salary.....	George J. North.....
4 60	101	Telegrams.....	Telegraph Company.....
1 00	102	Transportation.....	Express Company.....
400 00	103	Sanitary.....	Dr. N. Udell.....
4 70	104	Telegrams.....	Telegraph Company.....
15 30	105	Ammunition.....	Laird Bros.....
100 00	106	Sanitary.....	Mrs. Horner.....
11 69	107	Transportation.....	Railroad Company.....
30 00	108	Repairs.....	Merrill & Keeney.....
9 43	109	Transportation.....	Railroad Company.....
570 00	110	Sanitary.....	Mrs. Horner.....
525 60	111	Sanitary.....	J. P. Roach.....

EXTRAORDINARY EXPENSES—CONTINUED.

AMOUNT.	No. of Voucher	FOR WHAT PURPOSE PAID.	TO WHOM PAID.
122 00	112	Sanitary	Mrs. Horner
10 00	113	Sanitary	Dr. Beach
332 00	114	Sanitary	J. Dial
4 61	115	Telegrams	Telegraph Company.....
9 21	116	Telegrams	Telegraph Company.....
558 72	117	Sanitary	J. Dial
100 00	118	Clerical work	A. Mathews
200 00	119	Sanitary	Dr. N. Udell
833 70	120	Sanitary	J. C. Todd.....
16 46	121	Telegrams	Telegraph Company
428 00	121½	Various expenses	Sundry persons
150 00	122	Vote Commissioner.....	B. M. Orwig.....
7 68	123	Telegrams	Telegraph Company
1 50	124	Transportation	Express Company.....
8 15	125	Vote Commission	J. Bloomfield.....
8 28	126	Telegrams	Telegraph Company.....
50 00	127	Clerical work	A. Mathews
400 00	128	Sanitary	J. C. Todd.....
100 00	129	Salary (Secretary)	Geo. J. North.....
105 00	130	Flag.....	J. N. Dewey.....
23 73	131	Transportation	Railroad Company.....
44 47	132	Transportation	Railroad Company.....
23 61	133	Transportation	Railroad Company.....
44 28	134	Transportation	Railroad Company.....
301 75	135	Sanitary	N. B. Baker
78 75	136	Sanitary	N. B. Baker
200 00	137	Sanitary	Dr. N. Udell.....
5 50	138	Transportation	W. S. Company.....
50 00	139	Sanitary	George Cowie.....
1 45	140	Transportation	Express Company.....
151 68	141	Postage, &c.	Postmasters, &c.
1,075 00	142	Traveling expenses, &c.....	Various persons
17 05	143	Telegrams	Telegraph Company.....
6 55	144	Telegrams	Telegraph Company.....
449 00	145	Sundry expenses.....	Sundry persons
20 00	146	Salary.....	George J. North
53 75	147	State Seal	Martin Leans
6 00	148	Expressage, &c.....	Express Company.....
225 00	149	Clerical work	A. Mathews
700 00	150	Sanitary	George Cowie.....
150 00	151	Sanitary	Mrs. Horner.....
38 65	152	Transportation	J. P. Roach
41 35	153	Expenses, &c.....	W. M. Stone.....
50 00	154	Sanitary	George Cowie.....
6 80	155	Telegrams	Telegraph Company.....
80 50	156	Transportation	Packet Company.....
300 00	158	Sanitary	Dr. N. Udell.....
466 80	159	Various purposes	Various persons
546 00	160	Various purposes	Various persons
45 00	161	Money advanced	W. M. Stone.....
370 83	162	Secret service, militia, &c.....	Various persons
32 20		Balance on hand Feb. 1st, 1886.	
27,577 50			

NOTE.—Apparently the sum unaccounted for is \$445.50, instead of \$1,426.37 as stated. The National State Bank, however, has a claim against the contingent fund of \$975.87 for money overdrawn on account with said bank, making the entire sum unaccounted for \$1,425.37.

Mr. Holden moved that the message be laid upon the table and printed.

The motion to table and print prevailed.

Mr. Holden moved that the House adjourn over to Saturday, at 10 o'clock, A. M.

Mr. Comfort moved to amend by inserting to-morrow, 9 A. M.

Mr. Close moved that the House do now adjourn; which motion did not prevail.

The amendment was adopted, and the motion, as amended, was adopted.

Leaves of absence were granted to Mr. White, Sergeant-at-Arms, for two days; Mr. Bahl, for two days; Mr. Rohlf, for two days; Mr. Martin, for two days; Mr. Belt, for one day (Saturday); Mr. DeForest, for one day (Saturday).

Mr. Rogers moved that the House do now adjourn.

The motion prevailed, and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, February 9, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Winans.

The Speaker ordered a roll call to ascertain whether there was a quorum present.

There being no quorum present, on motion of Mr. Hale, the call of the House was ordered, and Messrs. DeForest, Dwelle, Poindexter, Tisdale, and Thorn were found absent and not excused.

On motion of Mr. Garber, Mr. DeForest was excused from this roll call.

On motion of Mr. Gaylord, Messrs. Dwelle and Poindexter were excused.

On motion of Mr. Joy, Mr. Tisdale was excused.

On motion of Mr. Brown, of Louisa, Mr. Thorn was excused.

Mr. Brown, of Louisa, moved that this House do now adjourn until 10 o'clock, A. M., to-morrow, which motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
 DES MOINES, February 10, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Geiger.

Mr. Hale moved that the House do now adjourn to the 19th inst., in pursuance of the resolution of the General Assembly.

The motion prevailed, and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
 DES MOINES, February 19, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Peet.

On motion of Mr. Maxwell, the call of the House was ordered, and Messrs. Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Boomer, Bolter, Buck, Burnett, Carbee, Clark, Close, Conway, Dashiel, Dwelle, Emery, Fellows, Fry, Gamble, Gary, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Huggins, Joy, Knox, Landes, Leffingwell, Linderman, Martin, McNutt, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Sapp, Safely, Serrin, Sipple, Tracy, Thacher, Thomson, Thorn, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, were found absent and not excused.

Mr. Barker moved that the House do now adjourn till to-morrow morning at 10 o'clock, A. M.

Mr. Comtort moved to amend by inserting 9, A. M.

The motion to amend prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
 DES MOINES, February 20, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Wetmore.

House Journals of Feb. 8th, 9th, 10th, and 19th, were read and approved.

Mr. Maxwell moved that the rule be suspended, and that for this day the House take up business at the commencement of the regular order.

The motion prevailed.

PETITIONS.

Mr. Maxwell presented a petition from J. C. Kinsed and seventy-eight others, citizens of Story county, praying for an appropriation for building a passable road over Skunk bottom on the route from Nevada through Cambridge to Des Moines.

Referred to the Committee on Roads and Highways.

Mr. Maxwell presented a petition from B. Hopkins, and thirty-two other citizens of Story county, asking for further mail facilities. The petition was laid upon the table.

Mr. Maxwell presented a petition from Thomas E. Fosgate, and twenty-eight other citizens of Story county, asking for a more efficient prohibitory liquor law.

Referred to the Committee on Suppression of Intemperance.

Mr. Maxwell presented a petition from Isaac Black of Story county, praying for the restricting of diseased stock from running at large.

Referred to the Committee on Agriculture.

Mr. Maxwell presented a petition from Hank McCarthy of Story county, praying that the board of supervisors shall hear remonstrances when they are presented with petitions.

Referred to the Committee on Roads and Highways.

Mr. Maxwell presented a petition from J. A. Fitchpatrick, in relation to clerk's fees.

Referred to the Committee on Compensation of Public Officers.

Mr. Maxwell presented a petition from E. G. Day in relation to railroad tariffs.

Referred to the Committee on Commerce.

Mr. Maxwell presented a petition from T. E. Alderman, in relation to railroad tariffs.

Referred to the Committee on Commerce.

Mr. Clark presented a petition from W. F. Johnston and one hundred and ninety-eight citizens of Tama county, remonstrating against the repeal of the prohibitory liquor law.

Referred to the Committee on Suppression of Intemperance.

Mr. Clark presented a petition from Henry Galley and two hundred and forty-seven citizens of Tama county, asking that a law be passed regulating the tariffs of railroad companies, and that they be made responsible as common carriers.

Referred to the Committee on Commerce.

Mr. Gaylord presented a petition from J. N. Darland and sundry citizens of Floyd county, praying for an increase per diem of county surveyors.

Referred to the Select Committee, Williams of Des Moines, Chairman.

Mr. Brown of Louisa, presented a petition from John Huff and sundry citizens of Louisa county, asking for an increase per diem of county surveyors.

Referred to the Select Committee, Williams of Des Moines, Chairman.

Mr. Rohlf presented a petition from J. C. Lane and one hundred and forty citizens of Tama county, praying for a repeal of the prohibitory liquor law, and the enactment of a license law.

Referred to the Committee on Suppression of Intemperance.

Mr. Rohlf presented a petition from W. M. Thomson, and sundry citizens of Scott county, praying for a repeal of the prohibitory liquor law, and the enactment of a judicious license law.

Referred to the Committee on Suppression of Intemperance.

Mr. Brown of Van Buren, presented a petition from Caleb Kirk and several hundred citizens of Van Buren county, asking for the restriction of railroad tariffs.

Referred to the Committee on Commerce.

Mr. Brown of Van Buren, presented a petition from J. C. McOid and sundry citizens of Van Buren county, praying for a change in county government.

Referred to the Committee on County and Township Organizations.

Mr. Poindexter presented a petition from Aaron Kimball and sundry citizens of Howard county, asking that the per diem of county surveyors be increased.

Referred to the Select Committee, Williams of Des Moines, Chairman.

Mr. Brown of Madison, presented a petition from G. W. Rice and sundry citizens of Madison county, asking that the per diem of county surveyors be increased.

Referred to the Select Committee, Williams of Des Moines, Chairman.

Mr. Brown of Madison, presented a petition from William Carpenter and sundry citizens of Madison county, remonstrating against a law for restraining stock from running at large.

Referred to the Committee on Agriculture.

Messrs. Travis, Knapp, Abernethy, and Williams of Des Moines, presented petitions from their respective counties, asking for an increase of the per diem of county surveyors and sheriffs.

Referred to the Select Committee, Williams of Des Moines, Chairman.

Mr. Knapp presented a petition from William Jones and sundry citizens of Hardin county, remonstrating against the repeal of the prohibitory liquor law.

Referred to the Committee on Suppression of Intemperance.

Mr. Travis presented a petition from R. S. Peak and sundry cit-

izens of Davis county, praying for the extension of the jurisdiction of county courts.

Referred to the Committee on Compensation of Public Officers.

Mr. Tisdale presented a petition from A. S. Dodge and sundry citizens of Chickasaw county asking for legislation to protect sheep from the depredations of dogs.

Referred to the Committee on Agriculture.

Mr. Martin presented three petitions from sundry citizens of Boone county, praying that the present General Assembly enact a law resuming to the State of Iowa, all the lands heretofore granted to the Cedar Rapids and Missouri Railroad Company.

Referred to the Committee on Railroads.

Mr. Sherman presented a memorial from a Society of Friends in reference to the rights of colored persons.

Referred to the Committee on Federal Relations.

Mr. Sherman presented a petition from Sidney West and sundry citizens of Polk county, in reference to the Des Moines River Lands.

Referred to Select Committee, Martin, Chairman.

Mr. Sherman presented a memorial and Joint Resolution asking Congress to grant the same aid to the Iowa Branch of the Union Pacific Railroad, as has been granted to the Kansas Branch of the same road.

Referred to the Committee on Railroads.

Mr. Safely presented a petition from S. S. Smith, and sundry citizens of Cedar county, praying for an act extending the jurisdiction of the several county courts of the State.

Referred to the Committee on Judiciary.

Mr. Safely presented a petition from William W. Miller, and sundry citizens of Cedar county asking for a law prohibiting the manufacture and sale of ale, beer, wine, and all compounds now sold as Stomach Bitters.

Referred to the Committee on Suppression of Intemperance.

Mr. Walden presented a petition from C. H. Howell, and sundry citizens of Appanoose county, praying for an act extending the jurisdiction of county Courts of the State to all civil cases.

Referred to the Committee on Judiciary.

Mr. Dudley presented a petition from John M. Moss, and sundry citizens of Wapello county, asking for an amendment to the school law, so that Sub-Districts may be formed, embracing territory of different civil townships.

Referred to the Committee on Schools.

Mr. Abbott presented a petition from John Clayton of Boone county, praying that taxation may be lightened by short sessions and working members.

Referred to the Committee on Ways and Means.

Mr. Abbott presented a petition from W. B. Davis, and sundry

citizens of Dallas county, remonstrating against the repeal of the prohibitory liquor law.

Referred to the Committee on Suppression of Intemperance.

Mr. Thorn presented four petitions from citizens of Clinton county, praying for the repeal of the prohibitory liquor law, and the enactment of a judicious license law.

Referred to the Committee on Suppression of Intemperance.

Mr. Graves presented a petition from Adolphus Jenkins, and sundry citizens of Emmitt county, praying that the General Assembly devise such means as will assure the completion of the Du-buque and Sioux City Railroad.

Referred to the Committee on Railroads.

Mr. Thorn presented two petitions from Producers and Shippers of Cedar and Clinton counties, praying the General Assembly to regulate the tariffs of railroads.

Referred to the Committee on Railroads.

Mr. Crawford presented a remonstrance from James Knox, and sundry citizens of Adams county against the extension of time to the Burlington and Missouri Railroad.

Referred to the Committee on Railroads.

Mr. McNutt presented a petition from Abraham Smalley, and sundry citizens of Muscatine, asking for a change in the south line of the City limits of Muscatine.

Referred to delegates from Muscatine county.

Mr. Darwin presented two petitions from the ladies and gentlemen of Burlington City, Des Moines county, remonstrating against the passage of a law licensing the sale of spirituous liquors.

Referred to the Committee on Suppression of Intemperance.

MESSAGE FROM THE SENATE.

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills, in which the concurrence of the House is asked:

Senate File No. 72, A bill for an act to provide Justices of the Peace with a copy of the revision of 1860.

Substitute for Senate File No. 108, A bill for an act to legalize certain acts done by James B. Thayer, as a Commissioner for the State of Iowa, with and for the Commonwealth of Massachusetts.

Senate File No. 105, A bill for an act to legalize certain official acts of Elias Topliff, late School Fund Commissioner of Alamakee county and for the relief of the Administrators of the estate of said Topliff and their grantees.

Senate File No. 59, A bill for an act to require owners of threshing machines to guard against accidents.

Also, the Senate has passed House File No. 18, A bill for an act fixing the time of holding courts in the Eighth Judicial District; and House File No. 100, A bill for an act providing for the

distribution of the Adjutant General's Reports of 1864 and 1865, without amendment.

J. W. DIXON, Secretary.

Mr. DeForest presented a petition from John Wilson and other citizens of Johnson County, paying for an increase in sheriffs' fees.

Referred to the Committee on Compensation of Public Officers.

Mr. Griffith presented a petition from A. Ward and others, citizens of Warren County, claiming to have expended \$180.00 in the recruiting service, and not allowed by the U. S., and asking relief of this General Assembly.

Referred to the Committee on Claims.

Mr. Maxwell presented a petition from O. H. Hamilton in relation to the alteration of the game law.

Referred to the Committee on Agriculture.

REPORTS OF COMMITTEES.

Mr. Sherman, from the Committee on Ways and Means, submitted the following report :

MR. SPEAKER:—I am instructed by the Committee on Ways and Means, to report back Senate File No. 19, A bill for an act to repeal Section 2, Chapter 43, laws of the Tenth General Assembly, and Section 3, Chapter 17, of the laws of the Ninth General Assembly, and recommend its indefinite postponement.

SHERMAN.

Mr. Sherman from the same Committee, submitted the following report :

MR. SPEAKER:—I am directed by the Committee on Ways and Means, to return to the House a petition of citizens of Henry County, asking the passage of a law to tax bees, and recommend its reference to the Judiciary Committee.

SHERMAN.

Mr. Sherman, from the same Committee, submitted the following report :

MR. SPEAKER:—I am directed by the Committee on Ways and Means, to report that the Committee has had under consideration Senate File No. 2, and House File No. 61, providing for the election of Township Collectors, and defining their duties, and instruct me to return the bills to the House without recommendation.

SHERMAN.

Mr. Thorn, from the Committee on County and Township Organization, reported back House File No. 156, A bill for an act to amend Section 447, of the revision of 1860, affixing a penalty upon Township Officers, for refusing to qualify and serve, with the recommendation that the same do not pass.

Mr. Joy from the Committee on the Compensation of Public Officers, submitted the following report :

The Committee on Compensation of Public Officers, to whom

was referred House File No. 53, providing for the employment of a clerk in preliminary examinations before a Justice of the Peace, have had the same under consideration, and being of the opinion that no change in the present law is advisable have instructed me to report the same back to the house with the recommendation that the bill be indefinitely postponed.

WM. L. JOY, Chairman.

Mr. Joy, from the same Committee, submitted the following report:

The Committee on Compensation of Public Officers, to whom was referred House File No. 44, A bill authorizing the employment of a clerk in the trial of certain cases before a Justice of the Peace, have had the same under consideration, and being of the opinion that the proposed change in the law would be inexpedient, as it would largely increase the expense in such criminal trials, have instructed me to report the same back to the House with the recommendation that the bill be indefinitely postponed.

WM. L. JOY, Chairman.

Mr. Joy, from the same Committee, submitted the following report:

The Committee on Compensation of Public Officers, to whom was referred the resolution fixing the compensation of the temporary officers of the House, have had the same under consideration, and with the following amendments, viz: Strike out four dollars per day and insert three in the line fixing the compensation of postmaster, and add three dollars per day for two days for the Speaker *pro tempore*—have instructed me to report the same back to the house with the recommendation that the same be referred to the Committee on Ways and Means, with instructions to provide for the payment of the same in the general appropriation bill.

WM. L. JOY, Chairman.

The report was concurred in and the resolution so referred.

Mr. Glasgow, from the Committee on Military Affairs, submitted the following report:

Your Committee on Military Affairs to whom was referred the petition of certain citizens of Clarke county asking for the passage of a Pension Law in this State, have had the same under consideration, and have instructed me to report the petition back to the House with the recommendation that the prayer of said petitioners be not granted, for the reasons that in the opinion of your Committee, it would be for the best interests of the State for the General Assembly to retain the immediate and entire control of the claims of soldiers against the State; and further, that it would be more expensive to the State to organize and complete a Pension Bureau than to pay all just and legal claims of soldiers against the State, as such claims are but few.

S. L. GLASGOW, Chairman.

Mr. Tisdale, from the Committee on Enrolled Bills, submitted the following report :

MR. SPEAKER :—Your Committee on Enrolled Bills has examined House File Nos. 33 and 14, find the same correctly enrolled, and present them for your signature.

G. J. TISDALE, Chairman.

Mr. Hale moved that when this House adjourn, it be until nine o'clock A. M. to-morrow.

The motion prevailed.

Mr. Crawford asked that a certain petition of citizens of Adams county, heretofore presented by him and referred to the Committee on Railroads, be referred to a select committee of five members residing upon the line of the B. & M. R. R.

The request was granted, and the petition was referred to the following Committee, viz. : Messrs. Hale, Crawford, Landes, Dudley, and Dashiell.

INTRODUCTION OF BILLS.

Mr. Bennett introduced House File No. 177, A bill for an act to legalize the acts of the Board of Supervisors of Washington Co., Iowa, which was read a first and second time, and referred to the Committee on Judiciary.

Mr. Crawford introduced House File No. 178, A bill for an act to repeal Section 2 of Chapter 102, Acts of the Tenth General Assembly, which was read first and second times, and referred to the Committee on Schools.

Mr. Crawford introduced House File No. 179, A bill for an act to amend Section 5 of Chapter 148 of the Acts of the Ninth General Assembly entitled "An act for the better protection of the School Fund," which was read a first and second time, and referred to the Committee on Schools.

Mr. Van Leuven introduced House File No. 180, A bill for an act to enable the city of Pella, Marion county, to incorporate as a city of the second class, which was read a first and second time, and referred to the Committee on Incorporation.

Mr. Comfort introduced House File No. 181, A bill for an act to amend Section 2 of Chapter 118 of the Acts of the Tenth General Assembly relating to the School Fund, which was read a first and second time, and referred to the Committee on Schools.

Mr. Huggins introduced House File No. 182, A bill for an act to increase the compensation of County Surveyors, which was read a first and second time, and referred to the Select Committee—Mr. Williams, of Des Moines, Chairman.

Mr. Rogers introduced House File No. 183, A bill for an act for the relief of indigent persons, which was read a first and second times, and referred to the Committee on County and Township Organizations.

Mr. Rogers introduced House File No. 184, A bill for an act to legalize the proceedings of certain county courts, and to repeal Sec. 262 of the Revision of 1860, which was read a first and second times, and ordered to be engrossed and read a third time.

Mr. Rogers introduced House File No. 185, A bill for an act to provide for the collection and settlement of the "Eads" School Fund notes and mortgages, and for other purposes, which was read a first and second times, and referred to the Committee on Schools.

Mr. Williams, of Des Moines, introduced House File No. 186, A bill for an act to legalize the acts of O. C. Wightman, a Notary Public, which was read a first and second times, and referred to the Committee on the Judiciary.

Mr. Gaylord introduced House File No. 187, A bill for an act to more generally advertise estrays, which was read a first and second times, and referred to the Committee on Agriculture.

Mr. Abbott introduced House File No. 188, A bill for an act to organize a commission to revise the laws on the subject of county and township government, which was read a first and second times, and referred to the Committee on County and Township Organizations.

RESOLUTIONS.

Mr. Comfort introduced the following resolution, which was adopted:

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to procure a daily mail route from Denison, in Crawford county, via Mapleton and Smithland, to Sioux City, in Woodbury county.

Resolved, That the Secretary of State be directed to forward to each of our Senators and Representatives in Congress a copy of this resolution.

Mr. Maxwell offered the following resolution, which was adopted:

Resolved by the House of Representatives, the Senate concurring, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to have a semi-weekly mail route from Des Moines, Polk county, to Webster City, in Hamilton county, via Hickory Grove, in Polk county, Point Palestine, in Story county, Ames, in Story county, Wm. Blenk's, in Boone county, and Saratoga, in Hamilton county.

Mr. Martin introduced the following resolution which was laid over under the rule:

Resolved, That Governor Stone be requested to furnish this House the result of his doings in collecting from the General Government the deficit due the State of Iowa, from the five per cent of the sale of the Public Lands within the State.

Also what expense it has been to the State in carrying out the

provisions of Section 2, Chapter 61, Acts of the Tenth General Assembly.

Mr. Abbott introduced the following resolution, which was adopted :

Resolved by the Senate, and the House of Representatives, That our Senators in Congress, be instructed, and our Representatives requested to use their influence to procure for so much of the mail route, 11079 as lies between Adel in Dallas County, and Lewis, in Cass County, (supplying by said route, Redfield, Dale City, Dalmanutha and Grove City,) a daily mail.

Resolved, That the Secretary of State be directed to forward to each of our Senators and Representatives in Congress, a copy of these resolutions.

Mr. Comfort introduced the following resolution which was laid over under the rule :

Resolved, That his Excellency, the Governor, is hereby most respectfully requested to furnish this House with a list of the vouchers referred to in his late communication to the General Assembly, relating to the extraordinary expenses of the Executive Department, showing the number, to whom paid, for what paid, and the amount of each, of the several vouchers, as required by Section 27, of Chapter 32, of the Acts of the Tenth General Assembly.

Mr. Abbott offered the following resolution which was adopted :

Resolved, That the Committee on the Judiciary, be instructed to report a bill for a law, fixing the time at which the tax on personal property shall become a lien on the realty.

On motion of Mr. Barker, the consideration of the Special Order for this hour being the resolution relative to regulating the tariffs of Railroad Companies, was postponed until Saturday next, at 10 o'clock A. M.

MESSAGES ON THE SPEAKER'S TABLE.

The Speaker presented the following report from Hon. J. A. Harvey, Register of the State Land Office, which, on motion of Mr. Sherman, was laid upon the table and ordered printed :

STATE LAND OFFICE, }
DES MOINES, IOWA, February 19th, 1886. }

HON. ED WRIGHT, *Speaker of the House of Representatives*—

SIR: I have the honor to acknowledge the receipt of the following resolution, passed by the House on the 6th inst., to-wit :

“Resolved, That the Governor and Register of the State Land Office be requested to furnish this House any information in their respective offices, (not contained in the report of said Register,) relative to the swamp land claims of the several counties of this State against the General Government; the difficulties, if any, in the way of a speedy settlement of the same, with a copy of such communications as they may have received from the Department

of the Interior, and from our swamp land agents at Washington, if any, relating thereto. Also, what counties have sold their swamp land interests to the American Emigrant Company, or other persons, with such information relating to such sales as may be in their possession."

And in answer thereto, would state :

First : That the communications, copies of which are herewith transmitted, to-wit :

1st—A letter from Mr. Baker, swamp land agent at Washington, to the Governor, dated Jan. 4, 1866 ;

2d—A list of counties, accompanying said letter, with the amount of cash and scrip indemnity, &c., and other memoranda ;

3d—A letter from the Commissioner of the General Land Office to the Governor, dated Feb. 2, 1864 ;

4th—A communication from the Commissioner of the General Land Office to the Secretary of the Interior, dated Feb. 23, 1864 ;

5th—Letter from Mr. Baker to this office, dated Jan. 3, 1866 ;

6th—Letter from Mr. Baker to this office, dated Jan. 31, 1866 ;

7th—Letter from Secretary to the Commissioner, dated Jan. 30, 1866, announcing his decision in the appeal case ; and

8th—Letter from Mr. Baker to this office, dated Feb. 9, 1866 ; contain all the information I am able to furnish relative to the difficulty in settling our swamp land claims not presented in my report. These communications have all been received at this office since the date of said report.

Mr. Baker has also furnished this office with a copy of his argument and report of the Court, in the case appealed to the Secretary. But as it was referred to in my report, and contains nothing additional, and does not come within the scope of the resolution, I deem it unnecessary to transmit it to the House.

Secondly : As to the disposition by some of the counties of their swamp land interest, I can only say that it appears from the list of Mr. Baker, herewith, and other information received at this office, that the "American Emigrant Company," claims an interest in the Swamp Land claims of the following counties, having bought the entire interest of some, of others only a part, and being employed by others to procure a settlement with the United States, receiving a certain per cent. on the proceeds of such settlement as their compensation, to-wit : Adams, Audubon, Carroll, Calhoun, Cass, Cerro Gordo, Crawford, Greene, Franklin, Hancock, Kosuth, Madison, Mitchell, Monona, Montgomery, Page, Plymouth, Shelby, Taylor, Wayne, Winnebago and Wright.

As to the extent and conditions of their contract with these several counties, I am not fully advised. In 1863 communications were submitted to Governor Kirkwood, from the counties of Cerro Gordo and Hancock, alleging that by misrepresentation and fraud said company had procured from said counties contracts by which they were to receive one-half of all the proceeds of the claims,

both of cash and land, and \$1,000.00 from each county in addition, and rescinding said contracts. But subsequently, to-wit: On the 30th of September, 1863, Mr. McKay, on behalf of the Company, deposited in this office, copies of resolutions adopted by the Boards of Supervisors of both said counties, annulling their previous action, in rescinding said contracts on the ground of fraud, and expressing their satisfaction that no unfair means had been resorted to in obtaining said contracts.

Lucas county sold all her Swamp Land claim to Robert Cole, Esq., of Chariton, but on what terms I do not know.

No counties other than those above mentioned, have, to my knowledge, sold their Swamp Lands, or disposed of their Swamp Land interests, otherwise than as provided and authorized by law.

The State has not recognized these sales in any manner, so as to affect her acts or relation with the general Government in the settlement of the claims. The adjustment of the claims, the location of the scrip, &c., must be conducted in the name of the State, and the land after being patented to the State, will be patented by the State to the counties, leaving it with them to carry out, or repudiate, as they see fit, their contracts with their grantees.

In most cases, however, the grantees, or some person in their interest and employment, has been appointed as special agent under the act of 1862, to make settlement with the general Government, upon the recommendation of the counties. Under that act these special agents are authorized to receive the proceeds of such settlement, and thus get possession of the warrants for the cash indemnity. This fact will of course affect the interest of the counties in case they attempt to repudiate the contracts.

These communications show the necessity of the early adjustment of the Swamp Land matters. Time only increases the difficulties. If possible, some more adequate provision should be immediately made for the accomplishment of this object.

I would suggest, also, that the charges against the Emigrant Company contained in these communications should be looked into; that said Company, if innocent, may be set right; and if guilty, that the State may clear herself of all apparent complicity with the fraud, and show that she is not acting in bad faith.

Respectfully submitted,

J. A. HARVEY, Register.

WASHINGTON, D. C., Jan. 4, 1866.

To His Excellency, Wm. M. Stone, Governor of Iowa:

SIR: I would present to you a brief statement of the swamp land interest of the State of Iowa. Enclosed herewith is a list of the counties, with the amounts settled and unsettled as far as selections have been reported. You see by said lists the amount

adjusted is about \$180,000 in cash and 170 to 180 acres of land; most of the land scrip has been located and passed into patents. There is worked up and ready for sending up to the Secretary for his approval 50 or \$60,000 more, and some land. Of this last amount nearly \$50,000 fall under the suspension of last June, and on account of which I took an appeal to the Secretary of the Interior (which case Mr. Harvey says he has handed over to you, or a copy of it as presented.) I would inform you that by a recent order of the Secretary "to the Commissioner of the General Land Office, our Iowa claims are ordered up for adjustment under the several acts of Congress. Now you will observe this is just what I claimed in the appeal case, and it is only another way of getting to the same point. I would inform you that five of the suspended cases have been sent up and approved by the Secretary of the Interior and I suppose the drafts will be sent, and I would also say that the Chickasaw county case which was the cause of the suspension was \$29,572, while the other seven counties all together amount to about \$17,000. The two largest of these are still held up with Chickasaw, viz.: Black Hawk and Fayette counties. The Commissioner under the recent order has ordered up the lands in place, (that is the patenting of the vacant lands). The order is to bring the lists to the tests of the field notes where there is a conflict with the railroad grants. To this I object. The State did not accept the field notes as the basis of making selections. The field notes and plats, of the early surveys before the passage of the Act of 28th September, 1850, and up to 1855 of the surveys in our State, are almost silent as to indicating the swamp lands, and such a course would give all the odd sections coming within their limits to the railroad, or nearly so, and I would prefer no action at all, on the list that were reported before 3d of March, 1857, than this. As soon as this would be done the lands would be approved to the railroads, and then the counties would have to contend for their rights with railroad companies the same as Fremont and Mills counties have done. This course is not so objectionable on the selections that were reported after 3d of March, 1857. In most of these counties the Government survey was made at a later day, and after the passage of the act, and the swampy character of the tracts, are more definitely delineated on the plats and field notes, and the State will be getting something. I learned yesterday that the Secretary had sent to you, "asking how the State wished this matter settled." I have no doubt that if you should say we will take the swamp lands under the grant and from the lists as reported they would go on and patent the lands, as the Department regards both grants to the State, *and say they get the lands under one or the other grants.* I think the State stands as a trustee for both grants, "and is not particularly interested, as she has parted with her swamp interest to the counties; and the railroad grant, although to the State, was for the benefit of the railroad companies;

and there are the instructions of February 8, 1860, for adjusting the two grants, and the office is bound by them until a change is made, and it is a bundle of inconsistencies from beginning to end; and I think I can get a change of that ruling and am now preparing a case for that purpose. I think the Secretary will not feel as much like sustaining J. Thompson's decision as he did Judge Edmunds's, in the late case.

Now there is another thing in this order of the Commissioner equally objectionable, (on the indemnity claim,) where the counties (claims) are large, say 9,000 acres or more. I say this for the reason I asked to have taken up and adjusted some twelve or fifteen counties, all in fact that have their proofs filed, and had made selections before 3d of March, 1857, and he asked me to state about the amount of each claim, on the list, and he has ordered the proof to be examined on all that had less than 9,000 acres, and further ordered as to the other, to bring them to the test of the field notes. One of those counties is Delaware. *Government survey* was made there I think as early as 1843, and there are others equally inconsistent. I don't like to complain too much, but this order appears to me to be entirely out of place, and no law or authority for it, and it is exercising another of the *prerogatives*—they claim the right in the appeal case, I am opposed to their applying the field notes, as a test in any way, on the early surveys in our State. There is no justice in it, and there is no authority except arbitrary. This test may do in the late selections, or most of them; but the office claims there is no indemnity produced only on selections reported before 3d March, 1857. It seems to me they have lost sight of the provision of the act of 3d of March, 1857, viz.: "Provided, however, that nothing in this act contained, shall interfere with the provisions of the act of Congress entitled "An act for the relief of purchasers and locators of swamp and overflowed lands, approved March 2d, 1855, which *shall* be and is hereby extended to all entries and locations of land *claimed* as swamp land, made since its passage," approved March 3d, 1857. In a case presented for Hamilton county by me, I claimed, the selections having been made in 1856, and reported to the Surveyor-General on the 9th of January, 1857, and come upon the files of the office of the Commissioner, March 6th, 1857, they were entitled to be adjusted under the ruling of the Department, and for this reason they were put into the hands of the Surveyor-General, as required in their instructions, to be certified by him. His certificate being a requisite of the office, that when the lists were put into his hands, they were out from under the control of the State, and especially under the control of the office of the Commissioner of the General Land Office, and if that was not sufficient, I cited them to the act *above* as extended to all others, &c. You must be patient with me, as the matters I seek to bring before you are numerous. In reference to the claims that I asked to have taken up, three of those claims belong

to the American Emigrant Company; and their three counties are more than all the balance, and it is the *largeness* of those claims that has called out the order to bring them to the test of the field notes. The whole claim presented, for the twelve counties, is for 80 or 90,000 acres, and their three counties is over 50,000 of it. The Commissioner says to me, "that this Company have attempted to practice so many frauds on the Department that they were suspicious of any, and every claim they had,"—that in every case they had investigated, they had found the most stupendous frauds. I have no hesitation in saying if it was not for the operations of this Company, that we would not have the trouble we are having. It is their operations that have caused the suspension of our claims. It is their operations that have called out the stringent rulings of the Department. It is their operations in making representations as to the rulings of the Department, and that they were peculiarly favored by the Department in getting contracts and purchasing the interest of the counties to their Swamp Lands for a mere pittance; and it is this, the Department feels that the counties have not acted in good faith under the grant. The grant was for a specific purpose, and the object and intent of it is diverted from the original intent, and the Department have thought and believed, the State should take such action as would bring it back to its original intent. Hence the letter to His Excellency, Governor of Iowa, February 2, 1864, (a copy of which is enclosed, and also a copy of a letter to Secretary, of February 23, 1864.) Now, it is not for me to say there is a remedy, but I have no hesitation in saying here is our great difficulty. The Department have copies of contracts they have made with some of the counties, they have representations from some counties, that those contracts have been obtained by fraud, and by misrepresentation, that bribery has been resorted to, to obtain the contracts in various forms.

I have said this much in regard to the American Emigrant Co., in justice to myself and in justice to the Department, as forming some excuse for *their* action on our claims. I have endeavored to steer clear of their claims as much as possible, knowing that they were not in good order with the Department, but duty required me to present those three last counties, viz.: Cass, Shelby and Wayne, as they were on the files of the office and were entitled to their place, if no *charge* was brought against them. I enclose with this the lists of the Counties; those marked A. E. Co., are the American Emigrant Company claims. There are several others they have the contracts for settling with the Department, getting one-half of all indemnity, and one-half of all the land, the counties paying them \$1,000 besides. Of these is Cerro Gordo, Franklin, Mitchell, &c.

Very respectfully yours,
WM. BAKER, Agent.

LIST ACCOMPANYING THE FOREGOING LETTER.

	COUNTIES.	LAND.	CASH AD- JUSTED.	
Adjusted....	Adair.....	\$2595 18	\$3690 05	
A. E. Co; adjus'd	Adams.....	748 70	4803 45	
Adjusted.....	Alamakee...	6331 43	6259 30	
	Appanoose...	3860 00	2475 44	
A. E. Co.....	Audubon...	3572 84	6823 47	
	Black Hawk.	4858 01	5869 16	Cash part of this claim sus-
	Boone.....	1049 69	1869 33	[pended without charge.
Suspen'n with- } drawn Dec. 23. }	Buchanan...	1839 18	1922 22	Cash suspended June 1st, with-
	Butler.....	11058 15	15125 66	[out charge.
A. E. Co.....	Cass.....	560 00	2721 87	This county has proof filed for
	Cedar.....	6468 56	7098 93	[25,000 acres more by A. E. Co.
	Chickasaw...	19769 85	29572 81	Cash part suspended—fraud
	Clayton.....	208 33	245 18	[alleged.
	Clinton.....	600 00	111 86	No proof for balance of claim.
	Dallas.....	200 00	1300 00	
	Decatur.....	2689 46	4937 18	
	Des Moines...	2920 00	501 68	[charge.
Suspen'n with- } drawn Dec. 28. }	Dubuque...	840 00	325 21	Suspended cash part without
	Fayette.....	4872 22	7214 52	Cash part suspended without
	Fremont.....	1904 00	6182 00	[charge.
Suspen'n with- } drawn Dec. 28. }	Guthrie.....	4634 30	2841 18	Cash part suspended without
	Harrison.....	600 00	2765 72	[charge.
	Henry.....	1400 00	607 09	
	Iowa.....	3484 42	7386 18	
	Jasper.....	2239 61	4204 39	
	Johnson.....	15412 99	9818 09	
	Jones.....	6222 07	8168 74	
	Keokuk.....	4891 60	6006 93	
	Louisa.....	12316 82	10759 42	
Suspen'n with- } drawn Dec. 28. }	Lucas.....	2200 00	3242 17	
	Mahaska.....	2238 60	195 00	Cash part suspended without
	Marion.....	120 00	287 60	[charge.
	Marshall.....	5827 30	8381 51	
	Mills.....	4180 00	12546 62	
A. E. Co.....	Monona.....	10314 67	8078 04	More claimed by Emigrant Co.
A. E. Co.....	Montgomery.	4740 00	9630 51	" " " " " "
A. E. Co.....	Page.....	600 00	4292 39	" " " " " "
	Polk.....	3975 92	7267 57	
	Pottaw't'mie	4372 45	10250 85	
	Tama.....	1032 00	1150 00	Proof fil'd for more; unadjus'd.
[drawn Dec. 28	Washington.	5320 00	2621 00	[Proof filed but unadjusted.
Suspension with-	Washington.		1501 08	Cash susp'n'd without charge.
			80603 76	

The following is a list of the Counties whose proofs are filed and unadjusted, that made their selection before the 3d of March, 1857:

A. E. Co.	Benton.....	Proof filed for about 11,000 acres.....
	Cass.....	" " " " 25,000 ".....
	Delaware.....	" " " " 10,000 ".....
	Floyd.....	" " " " 9,000 ".....
	Hamilton.....	" " " " 11,000 ".....
	Linn.....	" " " " 6,000 ".....
	Muscatine.....	" " " " 6,000 ".....
A. E. Co.	Shelby.....	" " " " 10,680 ".....
	Story.....	" " " " but unadjusted.
	Tama.....	" " " " 2,800 acres.....
A. E. Co.	Washington.....	" " " " 12,340 ".....
	Wayne.....	" " " " ".....

List of the Counties that made selections before 3d March, 1857, but have filed proof:

Howard	No proof filed—is about 12,000 acres
Jackson	" " " " " 9,000 "
Jefferson	" " " " " 800 "
Lee	" " " " " 800 "
A. E. Co. Monona	More claimed by A. E. Co.
Monroe	No proof filed. 2,000 acres
Scott	" " " " " 600 "
Webster	" " " " " 12,000 "
Winneshiek	" " " " " 10,000 "
Woodbury	" " " " " 20,000 "
Van Buren	" " " " " "
Davis	" " " " " selected 11,776 acres

The following is a list of Counties which made their selections and reported them after 3d March, 1857, and are held by the Department as not entitled to indemnity, for the reason selections were not reported before 3d March, 1857:

Buena Vista	Selection after 3d March, 1857—62,681 acres.
A. E. Co. Calhoun	" " " " " 46,859 "
A. E. Co. Carrol	" " " " " 16,800 "
Cerro Gordo	" " " " " 14,644 "
Cherokee	" " " " " 26,359 "
Clarke	" " " " " 2,030 "
A. E. Co. Crawford	" " " " " 8,640 "
Clay	" " " " " 67,787 "
Dickinson	" " " " " 50,064 "
Emmett	" " " " " 97,507 "
Franklin	" " " " " 22,489 "
Grundy	" " " " " 4,920 "
A. E. Co. Greene	" " " " " 50,064 "
Hancock	" " " " " "
Hardin	" " " " " 12,979 "
Humboldt	" " " " " "
Ida	" " " " " "
A. E. Co. Kossuth	" " " " " 86,769 "
A. E. Co. Madison	" " " " " "
Mitchell	" " " " " 54,110 "
O'Brien	" " " " " 1,432 "
Oceola	" " " " " "
Palo Alto	" " " " " "
Pocahontas	" " " " " 75,140 "
A. E. Co. Plymouth	" " " " " 18,851 "
Ringgold	" " " " " 25,073 "
Sioux	" " " " " 10,380 "
A. E. Co. Sac	" " " " " 33,752 "
A. E. Co. Taylor	" " " " " 12,940 "
Union	" " " " " 16,314 "
Warren	" " " " " 29,764 "
A. E. Co. Winnebago	" " " " " 47,484 "
Worth	" " " " " 85,485 "
A. E. Co. Wright	" " " " " 17,862 "

The counties marked A. E. Co., are counties owned by the American Emigrant Company. I think there are several others they have contracts for, viz: Franklin, Cerro Gordo, Mitchell, &c.

GENERAL LAND OFFICE, }
FEBRUARY 2, 1864.

His Excellency, the Governor of Iowa, Des Moines, Iowa :

SIR: I have the honor to enclose herewith two affidavits forwarded to this office by J. C. Savery, Esq., as Agent of the American Emigrant Company, to obtain indemnity under act of March 2d, 1865, for alleged swamp lands, the same being but samples of a large mass of similar testimony as to lands in Greene, and various other counties, forwarded by the agent of said company, as bearing upon the validity of said testimony, and showing the manner in which it was obtained. I enclose copies of three affidavits made respectively on the 9th, 12th, and 15th of December last, by John Taylor, John Cooney, and Mason Lyman, whose names appear on the proofs referred to. It will be observed that they *signed in blank*, that they never made answer to the interrogatories therein, nor did they authorize any one to attach answers for them, nor did they make oath to the contents thereof; thus making it clear not only that the proof was *filled up after signature* and in the *absence* of the *signers*, but that they were never sworn to, notwithstanding Mr. Thomas, as Notary, certifies under seal, that they were. They appear not to have known even that he was a Notary. Mr. Thomas is on proof before this office as Notary for various counties. Will you please inform me whether by the laws of Iowa a person can act as Notary for a county of which he is not a resident? Be pleased to return to me the two printed affidavits herewith, that they may be filed with the case to which they belong.

Very respectfully, your obedient servant,
J. M. EDMUNDS, Commissioner.

GENERAL LAND OFFICE, }
FEBRUARY 23, 1864.

Hon. J. P. Usher, Secretary of the Interior :

SIR: I have the honor to lay before you the large mass of affidavits numbered in packages, respectively: 126, 128, 130, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 145, 146, 147, 148, 149, 150, 151, sent hither by the American Emigrant Company, to show the lands therein described are swamp lands, within the terms of the Swamp Grant of September 28th, 1850, selected in 14 different counties, viz: Wright, Cass, Shelby, Warren, Wayne, Greene, Clarke, Ringgold, Crawford, Carroll, Taylor, Calhoun, Franklin, and Winnebago, and covering in the aggregate, by estimation, 300,000 acres. These lands were long since disposed of by the

United States, as fast and arable lands, and the object of filing this proof by said company as vendee of the counties, is to obtain from the United States, the amount in cash, for so much of those lands as were sold for cash, and other lands in new locations, in lieu of such portion as has been disposed of by the United States, by bounty land warrant locations, the application being under the indemnity provisions of the act of 2d March, 1855, and the 3d March, 1857.

1. After the lapse of some 13 years from the date of the original Swamp Grant of 1850, and some eight years since the first indemnity act of 1855, and long after said lands had been disposed of by the government, we have descriptive data of these lands on *ex parte statements* produced to establish their swampy character, and obtain their equivalent in money and other lands from the Government. All the tracts embraced by this proof are entered in the lists herewith, and delineated on the accompanying diagrams exhibiting the particular tracts claimed in each township, and the several counties are colored on the enclosed map.

The premises it will be seen are mainly in the longitudinal centre of the State distant on the west side from the Missouri river, the nearest 20, and some 130 miles; and on the east side, the nearest 100 miles from the Mississippi, the periodical inundation of which led to the passage of the Swamp Grant of 1850.

2. On bringing those lands to the test of the official field notes, and other data in this office, it is found that their alleged swampy character is not only not sustained, but absolutely contradicted by this evidence of sworn officers, having no interest whatever in the matter and hence strictly unquestioned witnesses, against the application as wholly destitute of merit, not even a meander stream (with the exception of a single township) running through any of these lands. But in order to obtain whatever information was available by actual observation bearing upon these claims, a special agent (W. W. Curtis) was by your approval dispatched to the region in question. He made a thorough examination of lands in Greene County, which were claimed as swamp. His report herewith shows that the claim now set up, so far as Greene County is concerned, is wholly destitute of merit,—that the lands thus claimed as swamp are not swamp within the meaning of the *Act*. A portion of the proof was *signed in blank*, the *witnesses never made answers* to the *interrogatories* nor *did they ever authorize* any one to *insert answers for them*, nor did they make oath to the *contents thereof*, thus showing that it was filled up after *signature*, and in the *absence* of the *signers* and was not sworn to by them; notwithstanding a Notary *certifies under seal* that it was. The witnesses testify that they did not even know that the agent was a Notary; all this, it will be seen is now asserted by them under oath. The fact is, the record evidence furnished by the field notes, &c., shows the region in question to be mostly high and rolling

prairie, the small streams, rivulets and rivers not furnishing more than the requisite supply of water for the use of farmers. This office holds the proof now submitted by the parties claiming the indemnity to be *utterly unreliable, tainted with fraud*, and accordingly rejects the claims for indemnity provided thereon. But the whole question is respectfully submitted for the revision and ultimate determination of the Secretary of the Interior.

I respectfully refer in this connection to the enclosed copy of our letter of 9th of November last, to Mr. Curtis, and to the principles enunciated in our report of the 14th of December last, to the Secretary, in the appeal case of S. P. Lyman. In connection with this matter, and in order to protect the Government against such wholesale and unjust demands upon the *public Treasury*, I take occasion to renew the recommendation in my last annual report, that the precedent to the allowance of any such claims for indemnity under the said act of 1855, the State shall be required to prove the swampy character of the tracts with the same formality and precision as is now required in cases of ordinary pre-emption. The vast demands still likely to be made upon the *Treasury* and the reckless manner in which those interested are disposed to make their proof seem urgently to demand this action at our hands.

Very respectfully your obedient servant,

J. M. EDMUNDS, Commissioner.

WASHINGTON, D. C. Jan. 3, 1866.

HON. J. A. HARVEY, *Register of State Land Office* :

SIR: Yours of the 28th of December is just received. I am very glad to learn the favorable decision to the Swamp grant, and think it will be sustained through the courts. Previous to receiving your letter announcing the decision, I was about filing a protest against the action of the Department in the manner they proposed to adjust the grant. I may say here, (as I think I did not in my last to you) that the Secretary of the Interior has ordered the Commissioner to do the very thing I asked to have done in the appeal case. It is this, to take up and adjust the swamp grant in Iowa, under the several acts of Congress. 1st, Lands in place. 2d, Indemnity scrip. 3d, Cash indemnity. Now, to the plan or manner of carrying out that order: 1st—Lands in place, the commissioner says that where conflicts arise between the railroad grants and the swamp grants, to bring them to the test of the field notes, and settle the question as per instructions of February 8, 1860, the same as was done in the case of Fremont and Mills counties. To this plan, I proposed to interpose an objection. I have learned this morning for the first, that Secretary Harlan has written to Governor Stone as to how the State authorities wish to have the claim adjusted between the two grants. Now, if Governor Stone should

say or elect that the grants should be first the swamp grant, and from the list reported before the 3d March, 1857, I have no doubt but the Department would go ahead and so adjust the claim (as it is a clear case) of the two grants takes the land, and the Department can have no interest to which grant it goes. In the decision, or rather the instructions, of February 8, 1860, the office holds that both grants "are to the State, and it does not matter much to which." Now, the fact in the case is, the State is, as it were, a mere trustee for the *conflicting grants*, and their interests are separate and distinct, and in order to protect the swamp interest of the State, I propose to take up a case, or call one up, and the Commissioner will act upon it under the instructions of February 8, 1860. I then propose to take an appeal to the Secretary, and see if a change of that ruling of February 8th cannot be had. To my mind, it is full of errors and misconstructions of the acts of Congress, and contradictory in terms. I don't know what action the Governor will take in this matter. I presume he will not decide at all, and then it must be settled "by the law." Well, the case you reported is a decision by our State Courts, which I think will be sustained, and one reason I have not been calling up those cases, was the fact of the cases that were in court; and not wishing to create further legislation in the State. But I unexpectedly find out that the lands on the M. M. Road have been approved to the railroad. I have not investigated the whole route, but on examination I find a great deal has been approved, and (also) those on the western end of the Burlington & Missouri River Railroad. Now, I prefer to have the matter stand, than have any further adjustment on that basis. The Commissioner says it is ordered to be taken up by the Secretary, but he has given no instructions, until a change is made. It is with this view I propose to present a case and will then take an appeal; and I will want to refer to the decision you speak of, if you can send me a copy of the decree, or in any form that will serve the purpose. Now sir, on the indemnity case, the order is to take up and adjust them. I found four or five counties had been ordered taken up, out of a list of twelve or fifteen that I called up since the recent order of the Secretary, (those claims are less than 90,000 acres,) and the instructions of the Commissioner are to settle those from the proofs on file; and the larger ones to bring to the test of the field notes, &c. Now you see they come right back on the position that I contended against in the appeal case, which was decided against me by the Secretary. The whole thing is unjust to our State, and is putting the State to unnecessary expense and delay. I wish you to examine the points made in the appeal case, and give me your opinion as to all or any position I take. With one exception, I felt confident my positions were right. Please send me a copy of your report as soon as published. I will send you or the Governor this week a statement of the cases that have been settled, and the unsettled. The larger

portion of the claims now here are of selections reported after 3d March, 1857, and by the ruling of the Department are not entitled to indemnity. If it was not for springing in the field notes on one claim, they might all be settled before spring (that is the indemnity part on all selections reported before 3d March, 1857).

Mr. Corkhill has made his report in the Chickasaw county case, and left for home without any further orders. I have not seen the report, and shall not ask to see it, unless it should be referred to as a precedent, to entitle me to the right. I am of the opinion, however, the Department is not entirely pleased with his action. They ordered him to make his report when in the State, but he came on here, and the report has been made under the direction of the office, and a clerk was detailed from the Department to assist in making it.

Now, as to the adjustment of our claims by the field notes, most, if not all, the claims now before the Department were of the first surveys in the State, before the act of 28th September, 1850, and from an examination in some counties, I find the plats and field notes are almost silent on anything that would indicate Swamp Land, and the later selections were made where the Government surveys were made after the act, and both plats and field notes indicate more swamp lands than the former, and yet I think they are very uncertain and indefinite. It might be policy for the State to accept the field notes for a basis where Government surveys were made after issuing the manual of instruction in 1855, taking into account the fact that many of these lists are very large, and the office will order an investigation, no doubt, to determine the facts.

If they would agree to give indemnity on such as the United States have sold and patented for all unsold and vacant lands that are indicated as swamp, I am not prepared to give an opinion, but the later surveys show more than the early ones did.

Very respectfully, your obedient servant,

WM. BAKER.

WASHINGTON, D. C., January 31, 1866.

HON. J. A. HARVEY, *Register of the State Land Office:*

SIR:—Having sent you, some days ago, a copy of an argument submitted on appeal to the Secretary, I have the honor herewith to hand you a copy of his decision. You may perhaps think me officious, as I have been relieved from any further duties in behalf of the State. If there was any one here to attend to such matters, I, of course, would not; and for the Governor to withhold an agent from here at this time, would be doing great injustice to the interest of the Swamp Grant of our State. Although discharged, I do not feel to withdraw entirely until some one comes on to take

the place, and the fact that the Department is now ordered to adjust the Swamp Grant in our State, and the office regarding their present action, final and conclusive, it is important to secure, if possible, right action. And it was with this view I brought the appeal. I now propose to attack the construction given to the letter of 23d July, 1859, and propose to argue that before the Commissioner. I am not under any authority, but having started it, I would like to see the end of it. You may think that this should be the end, but I am so sanguine of the positions I have taken that if the case was taken to some disinterested parties, there would be a change. Remove from all the influences of State R. R., and that interest of the Department in sustaining its own decisions, I believe a change might be effected. The same test is proposed to be applied in indemnity cases. That will be throwing away all the evidence furnished by the State in making her selections, and all the evidence furnished by the counties, under special proof, under the instructions, bringing the whole thing to the test of the field notes. That would leave the claims worth virtually nothing. I will probably remain here two weeks or more, as I feel a deep interest in the last proposition, that is bringing the claims for indemnity to the test of the field notes, having a special interest in the claims of several counties that this rule will apply to, which will induce me to remain for a short time; and while I do so remain, any interest of the State that I can protect, I will cheerfully attend to, unless notified not to do so. In that case I should conclude that my policy is not approved of, and will retire; but I expect no pay from the State.

Yours, &c.,

WM. BAKER.

DEPARTMENT OF THE INTERIOR, WASHINGTON, D. C., }
JANUARY 30, 1866. }

SIR:—This Department has received your letter of the 23d inst., in relation to the appeal of Wm. Baker, Esq., from your decision of the 13th inst., touching certain lands lying in the State of Iowa, within the limits of the grant for the Burlington & Missouri Railroad, which were selected and reported as swamp lands prior to 3d March, 1857. The identical questions presented by the appeal were considered by this Department in a case where lands in Iowa were claimed under both swamp and railroad grants. In his letter to your predecessor of July 23d, 1859, the then Secretary of the Interior remarked: "If, however, the title under the grant for constructing said roads, to any of the tracts under discussion had vested prior to 3d March, 1857, such tracts were appropriated, and they should not be carried upon the swamp list unless they were in *fact* swamp lands on the 28th September, 1850. The question of

the descriptions of such tracts, whether swamp and overflowed or otherwise at the date of the swamp grant, you may examine and determine upon the records, papers and affidavits now on file; and if you find that they were of the description of the lands granted by the act of 28th September, 1850, you will so report, but if the records and evidence before you will not warrant that decision, the selections as swamp may at once be adjusted and the lands may be carried upon the lists of lands enuring under the grant for constructing railroad and the title of the State under those grants fully recognized." These instructions furnish a just and safe rule for the determination of these conflicting claims. You propose to observe it in the present case, and in so doing your action can furnish no just grounds for exception. The papers are now returned.

I am, sir, very respectfully, your obedient servant,

JAMES HARLAN, Secretary.

To the Comm'r General Land Office.

WASHINGTON, D. C., February 9th, 1866.

HON. J. A. HARVEY, *Register State Land Office.*

SIR: Your letter of the 5th inst., is just received, and in reply I would say, as to the acts of the A. E. Co., I am not aware that I have made any communication to you in regard to their acts. I *may* have done so. *I know I did* to the Governor. I said the acts of the Emigrant Company had been the cause of all our trouble and delay in getting our claims settled. The Commissioner said, "*was it not* for the acts of this Company, there would not have been any difficulty with Iowa claims." "That in cases where they suspected fraud, and investigated, the most stupendous frauds had been discovered, and that everything that came through their hands the Department had suspicion there was something wrong." And in many cases claims that they have nothing to do with have to suffer delay and are put to test (*as I claim unauthorized*) in consequence of their claims. The Departments have letters from Counties, representing to them that this Company "have obtained contracts under false and fraudulent representations, and wishing them to hold back the adjustment of those claims until they have time to purge themselves of this swindle and get their claims back into their own hands;—that the contracts have been obtained through bribery and false representations." I have never had but one opinion in regard to the operations of this Company, that is, "It was conceived in sin and born in iniquity." I can find men in the State who will swear that they have been offered \$3000.00 or 3,000 acres of land for their favorable influence. The Department regards it as an imposition. The act was intended to benefit the State, but as it now turns out, it is for the benefit of a few in-

dividual sharpers, and they regard it as a *diversion* of the grant, and that the State is not acting in good faith in permitting it to be done, (and I have no doubt) they have been holding back in the expectation that the State would ultimately remedy the evil. The fact of this Company have bought out the entire interest of certain counties from 5 to 7 cents per acre for all the rights of the county under the Swamp Grant, both as to indemnity and the vacant lands, has been communicated to the Department and I think copies of contracts are now filed with them to that effect. *It is not at all surprising* to me, the Department hesitates as to the justness of some claims. I claim no man or set of men are licensed to defraud the Government, and I further claim that all such contracts are void in law. And the counties *who* were made beneficiaries of the act by an act of the State Legislature by the terms of the act, or any subsequent act of the Legislature, have not the right thus to dispose of the trust conferred. That it is in violation of all law of the State and in violation of good faith. I have answered your inquiries as fully as I can, and if called on to particularize I can do so in a number of instances, so much as to fully justify any and every assertion made.

* * * * *

Very respectfully your obedient servant,

WM. BAKER.

Senate File No. 59, A bill for an act to require owners of Threshing Machines to guard against accidents, was read a first and second time and referred to the Committee on Agriculture.

Substitute for Senate File No. 72, A bill for an act to provide Justices of the Peace with a copy of the Revision of 1860, was read a first and second time and referred to the Committee on the Judiciary.

Senate File No. 108, A bill for an act to legalize certain acts done by James B. Thayer as a Commissioner for the State of Iowa with and for the Commonwealth of Massachusetts, was read a first and second time and referred to the Committee on the Judiciary.

Senate File No. 105, A bill for an act to legalize certain official acts of Elias Topliff and for the relief of the administrators of said Topliff and their grantees was read a first and second time and passed upon the file.

By leave Mr. Hale presented the claim of E. C. Byers of Co. B 29th Iowa Inf'ty Vols., which was referred to the Committee on Military Affairs.

BILLS ON SECOND READING.

House File No. 71, A bill for an act regulating appeals to the Supreme Court in certain cases, and substitute therefor, reported from the Judiciary Committee, were considered.

The substitute was adopted and ordered to be engrossed for a third reading.

House File No. 105, A bill for an act to amend Chapter 22, of the laws of 1864, providing for the early distribution of the decisions of the Supreme Court among District Judges, was considered.

The report of the Judiciary Committee recommending its indefinite postponement, was concurred in.

House File No. 94, A bill for an act to authorize courts upon granting change of venue in criminal cases to require witnesses to enter into recognizances for their appearance at the court to which such change of venue may be granted, was considered.

The Judiciary Committee recommended that the blank be filled with the words "one hundred."

Mr. Rogers moved to insert the words "not less than" before the words "one hundred dollars," which motion prevailed.

The recommendation of the Committee, as amended, was adopted.

Mr. Safely moved to insert after the word "dollars" the words "and not more than one thousand dollars." The motion was lost.

Mr. McNutt moved to insert the word "personal" before the word "recognizance," which motion prevailed.

The bill was ordered to be engrossed for a third reading.

House File No. 83, A bill for an act to repeal Sec. 2241 of the Revision of 1860, and enact a substitute therefor prescribing the mode of indexing the conveyances of town lots in cities and villages, was considered.

Mr. Knox moved that the bill be indefinitely postponed, which motion did not prevail.

The question, "Shall the bill be engrossed and read a third time?" was decided in the negative.

House File No. 97, A bill for an act to repeal section 4220 of the Revision of 1860, and to provide a substitute therefor, was considered.

The report of the Judiciary Committee, recommending that it be indefinitely postponed, was concurred in.

Senate File No. 20, A bill for an act amending section 4324 of the Revision of 1860, in relation to willful trespass, was considered, and it was ordered to be read a third time.

House File No. 121, A bill for an act to extend the elective franchise, was considered.

On the question, "Shall the report of the Judiciary Committee recommending its indefinite postponement be concurred in?" the yeas and nays were demanded, and were as follows:

The yeas were Messrs. Barker, Bereman, Bennett, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Clark, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Emery, Fellows, Finkbine, Flanders, Gary, Garrett, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Huggins, Joy, Knapp, Knox, Linderman, Lowdon, Martin, Mc-

Cullough, Poindexter, Rogers, Runyan, Russell, Ryan, Safely, Sherman, Sipple, Travis, Tisdale, Williams of Des Moines, Mr. Speaker—48.

The nays were Messrs. Abernethy, Abbott, Barnes, Brown of Winnesheik, Close, Fry, Gamble, Maxwell, McPherson, McNutt, Palmer, Rohlf, Serrin, Thorn, Van Leuven, Walden, West, Wilson of Jackson—18.

Absent or not voting, Messrs. Alcorn, Ballinger, Bahl, Belt, Boomer, Bolter, Buck, Burnett, Carbee, Dwelle, Gaylord, Garber, Godfrey, Holden, Landes, Leffingwell, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Sapp, Stockman, Tracy, Thacher, Thomson, Wilcox, Wright, Wilson of Dubuque, Wilson of Marshall, and Williams of Winnesheik—32.

So the report was concurred in, and the bill indefinitely postponed.

House File No. 140, A bill for an act to credit Story county with certain sums of money, was considered and ordered to be engrossed and read a third time.

House File No. 34, A bill for an act to repeal Sub-Division 23, Section 312, Chapter 22, Article 11, of Code of 1860, was considered and laid upon the table.

House File No. 141, A bill for an act to amend Section 307, of the Revision of 1860, in relation to the time of meeting of the Boards of Supervisors, was considered.

Mr. Barker moved to amend by striking out in Section 1, the words "the Court House" and the words "if there be one, and if none, at the office of the Clerk of the District Court" and inserting the words, "the County Seats," which motion prevailed.

The bill was ordered to be engrossed and read a third time.

House File No. 142, A bill for an act to amend Section 4153, of the Revision of 1860, and to provide for the collection of costs in criminal causes, was considered.

Mr. Barker moved that the further consideration of this bill be postponed until Monday next and that it be printed, which motion prevailed.

House File No. 143, A bill for an act to legalize the acts of the State Auditor and State Treasurer in paying compensation to the Judges of the Supreme and District Courts, in the absence of any law authorizing the same, and to equalize such compensation, was considered.

Mr. Rogers moved to amend the second section by adding the following: "and the sum of eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated for the purpose of paying the warrants to be issued under this section.

The amendment was adopted.

The bill was ordered to be engrossed and read a third time.

Mr. Dudley moved that this House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, February 21, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. A. D. Kellison.

Journal of yesterday read and approved.

By leave Mr. Rogers submitted the following reports from the Committee on Schools:

MR. SPEAKER:—The Committee on Schools to whom was referred Senate File No. 78, A bill for an act amending Section 7, of Chapter 172, of the acts of the Ninth General Assembly, relating to School District Township Meetings, have had the same under consideration and have instructed me to report it back to the House, with the following amendment, to-wit:

SECTION 2. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, and the Dubuque Daily Times, and with the recommendation that it pass with said amendment.

J. N. ROGERS, Chairman.

MR. SPEAKER:—The Committee on Schools, to whom was referred Senate File No. 44, A bill for an act changing the corporate name of Independent School District Townships, have had the same under consideration, and have instructed me to report it back to the House and recommend its passage.

J. N. ROGERS, Chairman.

MR. SPEAKER:—The Committee on Schools, to whom was referred House File No. 21, A bill for an act amendatory to an act to provide for the loan of the Permanent School Fund, fixing the rate of interest thereon, and limiting the price at which school land may be sold, and for other purposes, passed by the Tenth General Assembly of the State of Iowa, have had the same under consideration, and have instructed me to report the same back to the House with a substitute, and with the recommendation that said substitute be adopted in place of the original bill, and that it pass.

J. N. ROGERS, Chairman.

MR. SPEAKER:—The Committee on Schools, having been instructed by the House "to inquire into the expediency of so amending that portion of the common school law, Section 8th, which provides for the annual election of sub-directors, that the term of office shall be two years, and one half of the members of the District Township Board shall be elected annually," to report by bill or otherwise, respectfully report that they have had the subject so referred to them under consideration, and that the proposed change in the law is in their opinion inexpedient.

J. N. ROGERS, Chairman.

MR. SPEAKER:—The Committee on Schools, to whom was re-

ferred a preamble, and resolutions, relating to the appointment of a standing Committee on school laws and funds, have had the same under consideration, and have instructed me to report them back to the House, with the recommendation that they be read, and laid on the table.

J. N. ROGERS, Chairman.

MR. SPEAKER:—The Committee on Schools, to whom was referred House File No. 179, A bill for an act to amend Section 5, of Chapter 148, of the Acts of the Ninth General Assembly, entitled an Act for the better protection of the School Fund, have had the same under consideration, and have instructed me to report it back to the House with the recommendation that it do not pass.

J. N. ROGERS, Chairman.

MR. SPEAKER:—The Committee on Schools, to whom was referred House File No. 181, A bill for an act to amend Section 2, of Chapter 118, of the Acts of the Tenth General Assembly, relating to the school fund, have had the same under consideration, and have instructed me to report it back to the House, with the recommendation that it do not pass.

J. N. ROGERS, Chairman.

By leave, Mr. McNutt submitted the following report from the Committee on Printing:

Your Committee to whom was referred House File No. 118, entitled a bill for an act to provide for the publication of general laws and of the proceedings of the boards of supervisors in the several counties, have had the same under consideration, and instructed me to report the same back and recommend its passage with the following amendments, to-wit:

After the word "newspaper" in the first section insert the words "having the largest circulation."

After the words "general laws enacted" in the second section, insert the words "and special laws applicable within the county."

Your Committee believe that with the above amendments the bill will meet a great public want, disseminate a knowledge of the laws among all the people, and be a wise and judicious measure.

SAMUEL McNUTT, Chairman.

Mr. McNutt reported the following bill from the Committee on Printing, viz.: House File No. 189, A bill for an act relating to the transcribing, indexing and the distribution of the Journals of the Senate and House of Representatives.

The bill was read a first and second time and passed on file.

The House resumed the consideration of the regular order, being

BILLS ON SECOND READING.

House File No. 126, A bill for an act relating to the Assistant Adjutant-General, was considered and ordered to be engrossed and read a third time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills, in which the concurrence of the House is asked :

Senate File No. 85, A bill for an act concerning acknowledgements of deeds in foreign countries, and to repeal Section 2244 of the Revision of 1860.

Senate File No. 87, A bill for an act to amend Section 1, of Chapter 128, of the Acts of the Tenth General Assembly.

Senate File No. 98, A bill for an act to authorize the County Judge of Des Moines county to record and complete the record of proceedings had before his predecessor in office.

Senate File No. 101, A bill for an act legalizing conveyances of real estate to the St. Charles Cemetery Association.

Senate File No. 104, A bill for an act fixing the compensation of referees, surveyors and assistants in partition cases.

Senate File No. 117, A bill for an act to amend Chapter 9 of the Laws of the Eleventh General Assembly.

I also return herewith the following House bills, the same having passed the Senate without amendment :

House File No. 7, A bill for an act defining the times of holding Courts in the Third Judicial District.

Substitute for House File No. 15, A bill for an act to amend Section 4993 of the Revision of 1860 in relation to bail bonds.

Substitute for House File No. 59, A bill for an act to prevent the importation, running at large, and sale of horses, mules, or asses, diseased with nasal gleet, glanders, or button farcy.

JAMES M. WEART, Ass't Secretary.

RESOLUTIONS.

By leave, Mr. Darwin introduced the following resolution :

Resolved, That the matter of the appropriation to the Iowa Soldiers' Orphans' Home and the bill on file regarding the same be referred to a select committee of one from each Congressional District, and that such committee report facts, documents, and their opinion therein regarding the following matters :

1st. Regarding the desire and the power of the incorporation named the "Iowa Soldiers' Orphans Home" to receive the State of Iowa as a party thereto ; and touching such matter, let the said committee respond to the following inquiries :

1. What are the articles of Incorporation of the "Iowa Soldiers' Orphans' Home?"

2. What are the by-laws thereof?

3. How many incorporators are there holding life memberships? Holding year memberships?

4. Has the question of its partial absorption by the State, or of the admission of the State as a party to the incorporation been a question considered or determined at any meeting of the said association, or of the Board of said association? And if so, then what action was thereupon taken, and how is the same evidenced?

5. By virtue of what action of the Association, or of the Board is the State now asked to become a party to said Incorporation? And by virtue of what proceedings on the part of said Association has the same become obligated to the *provisions* of the bill now before this House?

6. What person or persons here and now represent the "Iowa Soldiers' Orphans' Home," and are authorized to bind that Incorporation in the matter of the said bill, and how is the authority of said person or persons manifested?

2d. *Resolved*, That such Committee further report as aforesaid:

On the duty of the State to obtrude itself into the affairs of the said Incorporation without the request of the corporators thereof.

And also on its power to do so even with such consent under existing articles of incorporation.

Also touching this second matter let the Committee state, on what provision of the constitution or principle of law, or on what conduct of the said Association the advocates of this bill outside of the General Assembly found the right of the General Assembly to intrude into the management of the affairs of a private corporation.

3d. *Resolved further*, That such Committee also report as aforesaid on the following questions, intended to exemplify the degree of assurance which the State may feel that any appropriation will be economically, judiciously and certainly, applied to its objects.

1. How much money has been *subscribed* for the "Home?"

2. How much *paid*?

3. What persons have been in any manner authorized to receive money for the Home?

4. What is the security that each of said persons gave that the money so received would be duly accounted for?

5. What security exists that donations of property for the Home will be realized by the Home?

6. Who is the treasurer of the Association, and what *means* are there of knowing, at any given date, by other than his statement, the amount of cash which has come into his hands?

7. What security is there for the safety of the same?

8. What persons have the power to draw from the Treasury, and under what circumstances?

9. What *security* is there that funds so drawn will not be improperly drawn, and will be properly applied and duly accounted for?

10. Have accountings been had with all such persons? How, and with what result, and where are kept the vouchers and evidences thereof?

11. Is any property of the Association, money, goods, provisions, or other such matters, under the control of any of the officers or employees of the Home? If yes, then in each case what are the checks and securities that the same will be properly applied?

12. Has the Association any bonds of the United States? If yes, to what value? Held by whom, and on what security?

13. Finally, following the spirit of these questions, show the nature and value of the *securities* which attend the entire collection and disbursement of the moneys and property of the Home, so that the *business sufficiency* of the same may be *estimated*.

14. So far as there are rules and by-laws providing for any matter herein questioned, *produce* the same with the date of their enactment, and state whether or not the same have been respected.

4. *Resolved further*, That such Committee so report as aforesaid, information calculated to assist in defining the *extent* of the *appropriation needed*; and that to such end they respond to the following inquiries:

1. What are the terms of the title, from the United States to the Association, of the property at or near Davenport?

2. What in cash or bonds has the Incorporation now on hand?

3. What amount has it in subscriptions which are probably good?

4. What per annum in the future may be expected from *voluntary contributions*?

5. What is the state of efficiency of the existing appliances for solicitation and collection?

6. State the salary, or compensation paid either directly or indirectly, or retained; or in any way realized or to be realized either by rule, or vote, or otherwise of each of the agents and officers and managers of the Association, or board, or of any committee, or of any member of any committee thereof.

7. What is the number of children now at the Davenport Home? The estimated cost per annum of each child? The expenses per month of the Institution there?

8. What is the number, and what are the duties of the employees, stipendiaries, or managers of the Home at Davenport, and what is the compensation of each per month?

9. Answer also regarding the Home at Cedar Falls the matters involved in the two questions immediately preceding.

5. *Resolved further*, That such Committee report also, as aforesaid, information exemplifying the *need* there is of such an Institution, and of its desired capacity; also regarding the benefits thus conferred upon its inmates physically, mentally, and morally. And that among other things

1. They describe with some detail the physical, mental and moral discipline at the Home.

2. That they do the same of the physical comforts enjoyed by the Orphans.

3. That they state the degree of satisfaction expressed by the Orphans at their treatment therein.

4. That they state the general health enjoyed, the most prevalent diseases, and what, if any, physical, mental, or moral grievance is found to result from the aggregation of these children in such numbers, and under present discipline.

5. What is the capacity of the Homes as now existing, and what further number may be expected to become applicants for admission thereto?

6. Any other fact coming to their notice which may tend to guide the House to an intelligent vote on the matter involved in this bill.

6. *Resolved further*, That if the said Committee shall consider that the matter of the bill should be made law, they shall then report such amendments as may safely and certainly forward the purposes intended by the bill, if they deem any amendments necessary.

Mr. Bereman moved that the resolution be postponed until Monday, Feb. 20th, at 10 A. M.

The motion to postpone did not prevail.

The resolution was adopted.

The Speaker announced the following Committee in accordance with the resolution: 1st District, Mr. Darwin; 2d District, Mr. Burnett; 3d District, Mr. Wilson of Dubuque; 4th District, Mr. Clark; 5th District, Mr. Glasgow; 6th District, Mr. Joy.

House File No. 144, A bill for an act providing for the erection of a building for Adjutant General's and Quartermaster General's office, and for an arsenal, was taken up.

Mr. Finkbine moved that the bill be referred to the Committee on Ways and Means.

The motion to refer prevailed.

On motion of Mr. Clark, Senate File No. 78 was taken up and considered.

The House concurred in the amendments recommended by the Committee on Schools.

Mr. Barker moved that the bill be referred to a Select Committee consisting of the Representatives from Dubuque county.

The motion prevailed and the bill was so referred.

By leave, Mr. Wilson of Dubuque, submitted the following report:

The Special Committee, to whom was referred House File No. 166, A bill for an act to change the terms of court in the 9th Judicial District, have had the same under consideration, and recommend the passage of the same.

T. S. WILSON, Chairman.

Mr. Wilson, of Dubuque, moved that the bill be ordered engrossed and read a third time. Carried.

House File No. 96, A bill for an act to amend Section 710, Chapter 45, and Section 22 of the Revision of 1860, together with the substitute for the same, was taken up, and on motion of Mr. Maxwell the consideration of the bill was postponed until Monday next at 10 A. M.

Mr. Flanders moved that the House do now adjourn. Carried.

2 O'CLOCK P. M.

House met pursuant to adjournment.

By leave Mr. McNutt introduced the following resolution :

WHEREAS, The General Assembly of the State of Iowa has learned with astonishment and regret that the President of the United States has vetoed the bill known as the "Freedmen's Bureau Bill," and that inasmuch as the objects sought to be accomplished by that bill are in accordance with the views and wishes of the majority of the loyal people of these United States, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to secure the passage of said bill by the requisite Constitutional majority, notwithstanding the veto of the President.

Mr. Sherman moved that the resolution be referred to the Committee on Federal Relations.

Mr. Dudley moved that the resolution be made the special order for to-morrow (Feb. 22) at 10 o'clock, A. M., upon which the yeas and nays were demanded, and were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Berman, Bennett, Boomer, Bolter, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Buck, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, Morgan, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Thacher, Travis, Tisdale, Thorn, Walden, West, Williams of Des Moines, Wilson of Jackson, Williams of Winnesheik, Mr. Speaker—72.

The nays were Messrs. Ballinger, Bahl, Brown of Decatur, Emery, Fellows, Finkbine, O'Brien, Sherman, Sipple, Van Leuven, Wilson of Dubuque—11.

Absent or not voting, Messrs. Barker, Belt, Burnett, Garber, Leffingwell, McPherson, McKean, Mills, Sapp, Stockman, Tracy, Thomson, Wilcox, Wright, and Wilson of Marshall—15.

So the resolution was made the special order for to-morrow, at 10 o'clock, A. M.

Mr. Rogers moved that the House do now adjourn.

The motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, February 22, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. A. D. Kellison.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed a Joint Resolution in relation to lands granted to the State of Iowa to aid in the construction of railroads.

Also, a Joint Resolution relating to the veto of the Freedmen's Bureau Bill, which are herewith submitted, in which the concurrence of the House is respectfully asked.

Also, that the Senate has ordered printed the usual number of copies of the special message of the Governor in relation to lands certified to the Dubuque & Sioux City Railroad Company.

Also, the special message of the Governor in relation to alleged misconduct of a former State Treasurer in disposing of certain portions of the Public Funds.

J. W. DIXON, Secretary of Senate.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order, being the resolution with reference to the veto message of President Johnson, Mr. McNutt moved that the resolution of the Senate on the subject of the President's veto be substituted for the House resolution on the same subject; which motion prevailed.

Mr. Wilson, of Dubuque, offered the following substitute:

Resolved by the House of Representatives the Senate concurring,
That His Excellency, Andrew Johnson, President of the United States, is entitled to the thanks and gratitude of the nation for his veto of the bill to amend an act, entitled an act to establish a bureau for the relief of freedmen and refugees, and for other purposes; that in the opinion of this General Assembly, such bill was un-

necessary to protect the rights of freedmen and refugees, since throughout the whole Union slavery is abolished, peace exists and the federal courts are restored; that such bill will subvert the rights of eleven of the States, by creating a power within them, not only unwarranted by National or State Constitutions, but in utter derogation thereof, establishing within them irresponsible military courts with unlimited power over persons and property, with no appeal to a higher tribunal, governed by no law, and setting aside the provisions of the Constitution which guarantee to the citizen the right of having the offense with which he is charged, presented in the form of an indictment, and abolishing the right of trial by jury; rights dear to freemen and formidable only to tyrants, fanatics and oppressors. Further, that justice, sound policy, and the example of the enlightened nations of the world demand the admission to Congress of the loyal representatives of the States lately in rebellion, as well as the democratic principle of representation as a consequence of taxation; that the power of each House of Congress to decide upon the qualifications of its own members, confers no right to exclude entire States from all representation whatever, and such act of exclusion exercised for the mere purpose of continuing the ascendancy of a political party, tends to destroy the just balance between the three great powers of government, to lay all others at the feet of the legislative branch, and deserves the condemnation of law, the Constitution and of human liberty.

Resolved, That our Senators in Congress be instructed, and our Representatives requested to sustain the President in his patriotic efforts to uphold the Constitution, and the perpetuity of the federal Union, against those who impelled by hate and fanaticism, or maddened with the desire of rapine and plunder, and corrupted by power and place, seek, under the pretext of protecting the rights of *free negroes*, to destroy all that is dear to *free whitemen* by making them the subjects and slaves of the most cruel, tyrannical and dispicable of all governments, a military despotism.

Mr. Bennett moved that the House go into Committee of the whole, which did not prevail.

Mr. Russell moved the previous question, which was not seconded.

The question being upon adopting the substitute offered by Mr. Wilson of Dubuque, it was lost.

Mr. Barker moved that the resolution be referred to the Committee on Federal Relations, which did not prevail.

Mr. Van Leuven moved that the House now adjourn. Carried.

The question being on the resolution concerning the veto message.

Mr. Holden offered the following substitute:

Resolved by the General Assembly of the State of Iowa, That this General Assembly has heard with surprise and regret, that the Freedmen's Bureau Bill, after having passed both Houses of Congress by overwhelming majorities, has been vetoed by the President. And with still greater astonishment and regret, that said bill having been returned by the President to the Senate with his objections, has failed to pass that body by a two-thirds vote.

Resolved, That this General Assembly hereby fully endorse and cordially approve the course of the Senators and Representatives in Congress from this State, in giving their hearty support to said bill.

Mr. Tisdale, from the Committee on Enrolled Bills, presented the following report:

MR. SPEAKER:—The Committee on Enrolled Bills has examined House Files Nos. 18, 7, 100, 59 and 15, find the same correctly enrolled, and present them for your signature.

G. J. TISDALE, Chairman.

On motion of Mr. Barker, the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, February 23, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Hughes.

Journal of yesterday read and approved.

The House resumed the consideration of the Joint Resolution relative to the Freedmen's Bureau Bill.

Mr. Dudley moved the previous question, which was seconded.

The question, "shall the main question be now put," was decided in the affirmative.

Mr. Holden's amendment was lost.

Upon the adoption of the Senate Resolution, the yeas and nays were demanded, and were as follows:

The yeas were Messrs. Abernethy, Barnes, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Morgan, Olmstead,

Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, West, Wilcox, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—69.

The nays were Messrs. Abbott, Alcorn, Ballinger, Barker, Bahl, Bolter, Brown of Decatur, Buck, Comfort, DeForest, Fellows, Gamble, Lowdon, Martin, O'Brien, Sherman, Sipple, Van Leuven, Wright, Wilson of Dubuque—21.

Absent and not voting, Messrs. Belt, Garber, Holden, Leffingwell, Mills, Palmer, Stockman and Williams of Des Moines—8.

So the resolution was adopted.

BILLS ON SECOND READING.

House File No. 72, A bill for an act to prevent the spreading of contagious diseases among swine, was taken up.

Mr. Brown of Louisa, moved to adopt the amendment recommended by the Committee, to strike out the words "cholera or other" in the 1st and 2d sections, which motion prevailed.

The amendment to strike out the 5th section was lost.

Ordered, that the bill be engrossed and read a third time.

House File No. 136, A bill for an act to repeal Sec. 1 of Chapter 109 of the Acts of the Tenth General Assembly relating to agriculture, was taken up.

Mr. Knox moved that the bill be referred to the Committee on Ways and Means, which motion did not prevail.

Ordered, that the bill be engrossed and read a third time.

Mr. Brown of Winneshiek, asked leave to be excused for the day, which was granted.

House File No. 88, A bill for an act to prohibit one or more of the several owners of land inclosed in common, turning domestic animals during certain seasons of the year into such inclosures without the consent of all the other owners, was taken up and considered.

Ordered, that the bill be engrossed and read a third time.

Senate File No. 12, A bill for an act to amend Sec. 1133 of the Revision of 1860, was taken up and the amendment of the Committee on Incorporations concurred in.

Ordered, that the bill be read a third time.

House File No. 95, A bill for an act to regulate grist mills and define the duties of millers and mill owners, was taken up.

Mr. Thorn moved that it be laid upon the table, which motion was lost.

Mr. Close offered the following amendment:

Amend Sec. 2 so that it shall read: "All custom mills shall grind each grist in the rotation in which it is brought to the mill, unless the right of rotation is waived by the owner of the grist,

providing the grain is dry and in good condition for grinding when brought to the mill."

On motion of Mr. Landes the House adjourned.

2 O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Tisdale, Chairman of Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—The Committee on Enrolled Bills from the Senate have examined the Senate Concurrent Resolution relating to the President's veto of the Freedmen's Bureau Bill, find the same correctly enrolled, and I now present it for your signature.

I also have to report that House Files Nos. 7, 14, 15, 18, 30, 59 and 100 have been presented to the Governor for his signature.

G. J. TISDALE.

House resumed consideration of House File No. 95, A bill for an act to regulate grist mills and define the duties of millers and mill owners.

Mr. Dudley moved to refer the bill to a Select Committee, of which Mr. Williams, of Winneshiek, should be chairman.

Mr. Tracy moved to refer the bill back to the Committee on Agriculture, which did not prevail.

The question recurring upon the motion to refer to a select committee, the yeas and nays were demanded and were as follows:

The yeas were Messrs. Abbott, Ballinger, Barnes, Bahl, Bolter, Brown of Decatur, Brown of Van Buren, Comfort, Conway, Dashiell, Dudley, Dwelle, Emery, Fellows, Finkbine, Gamble, Gary, Garrett, Glasgow, Godfrey, Holmes, Holden, Huggins, Linderman, Lowdon, Martin, McPherson, McCullough, McLaughlin, O'Brien, Palmer, Rogers, Rohlf, Runyan, Ryan, Safely, Thacher, Travis, Tisdale, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Wilson of Marshall, and Mr. Speaker—47.

The nays were Messrs. Abernethy, Alcorn, Bereman, Boomer, Brown of Louisa, Brown of Madison, Buck, Burnett, Carbee, Close, Crawford, Darwin, DeForest, Flanders, Fry, Gaylord, Goodrich, Graves, Griffith, Hale, Hand, Knapp, Knox, Landes, Maxwell, McNutt, McKean, Morgan, Olmstead, Poindexter, Russell, Sapp, Serrin, Sherman, Sipple, Tracy, Thomson, Williams of Des Moines, Wilson of Jackson, and Williams of Winneshiek—41.

Absent or not voting, Messrs. Barker, Belt, Bennett, Brown of Winneshiek, Clark, Garber, Leffingwell, Mills, Stockman, and Walden—10.

So the bill was referred, and the Speaker announced Messrs. Williams of Winneshiek, Dudley, Sapp, Dwelle and Maxwell as the Committee.

By leave Mr. Wilson of Dubuque called up House File No. 166, A bill for an act to change the times of holding courts in the Ninth Judicial District.

On motion of Mr. Wilson of Dubuque the rule was suspended, the bill read a third time.

On the question "shall the bill pass," the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Beremen, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForrest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—92.

Absent or not voting, Messrs. Belt, Brown of Winneshiek, Garber, Leffingwell, Stockman and Walden—6.

So the bill passed and the title was agreed to,

By leave Mr. Tisdale presented the following report from the Committee on Library:

The Committee on Library, to which was referred House File No. 66, A bill for an act to provide for the distribution of the Adjutant General's Reports of the 1st of January, 1866, have had the same under consideration, and instructed me to report it back to the House with a recommendation that it do pass, with the following amendments, to-wit: After the words "State Librarian," insert "and one copy to each Library Association, and each institution of learning incorporated under the laws of the State."

G. J. TISDALE, Chairman.

The report of the Committee was concurred in.

Ordered, that the bill be engrossed and read a third time.

Mr. Tisdale moved that the rule be suspended, and the bill read a third time now, which motion prevailed.

The bill was read a third time, and upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary,

Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McPherson, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thatcher, Travis, Tisdale, Thomson, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—88.

The nays were Messrs. Thorn and Van Leuven—2.

Absent or not voting, Messrs. Barker, Belt, Bennett, Garber, Leffingwell, McNutt, Stockman, and Walden—8.

So the bill passed and the title was agreed to.

By leave Mr. Sherman, from the Committee on Railroads, submitted the following report :

I am instructed by the Committee on Railroads, to which was referred a "memorial and joint resolution asking Congress to grant the same aid to the Iowa branch of the Union Pacific Railroad, as has been granted to the Kansas branch of the same road," to report the same back to the House and recommend its passage.

SHERMAN, Chairman.

On motion of Mr. Sherman, the memorial and joint resolution was adopted.

House File No. 130, A bill for an act to secure Joseph Skipper, a resident of Wayne county, Iowa, his home at the price of \$1.25 per acre of lands known as the excess of the 500,000 acre grant, together with a substitute therefor reported by the Special Committee, was considered.

On motion of Mr. Glasgow the substitute was adopted.

Ordered, that the bill be engrossed and read a third time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked : Senate File No. 86, A bill for an act to enable aliens to acquire, control and dispose of property as citizens.

JAMES M. WEART, Asst Secretary.

Mr. Morgan announced the death of Hon. D. A. Stockman, a member of the House, and spoke as follows :

MR. SPEAKER : I arise at this time for the purpose of announcing the death of Hon. D. A. Stockman, a member of this House elected from the 19th Representative District. He died on the morning of the 7th inst.

In making this announcement it is, I suppose, appropriate that I should say a few words as a passing tribute to his memory. My acquaintance with Mr. Stockman has been somewhat limited, but

it has been sufficient to impress me very favorably with his character and ability as a man; and in his death, Keokuk county has lost one of its best citizens, and this House an able and efficient member.

Mr. Stockman has fallen a victim to the rebellion and sacrificed his life on the altar of his country for his country's good. It was in the field and camp that his naturally robust constitution was broken—and there he contracted that disease which terminated his life.

He was a young man in the prime of life, and in the full vigor of manhood, and has left a wife and three children to mourn his untimely death. I am informed that he was a kind and loving husband, and a considerate and indulgent father.

May his virtues be cherished!

Mr. Morgan offered the following resolutions:

Resolved, That this House of Representatives has heard, with profound sorrow and regret, the announcement of the death of Hon. D. A. Stockman, a Member of this House from the Nineteenth Representative District of the State of Iowa.

Resolved, That the House tender to the widow and relatives of the deceased the expression of its deep sympathy in this afflicting bereavement.

Resolved, That the Clerk of this House communicate to the widow of the deceased a copy of these resolutions.

Resolved, That as a further mark of respect, a copy of these resolutions be communicated to the Senate, and that this House do now adjourn.

The Resolutions were adopted, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, {
DES MOINES, February 24, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Manly.

Journal of yesterday read and approved.

By leave, Mr. Thorn introduced the following bill: House File No. 190, A bill for an act to regulate the fees of Attorneys and Counselors at Law and Solicitors in Chancery, which was read a first and second time.

Mr. Thorn moved its reference to the Committee on Police Regulations.

Mr. Finkbine moved to strike out "Police Regulations" and in-

sert "Judiciary," with instructions to inquire into the constitutionality of such a law.

The motion was lost.

The motion to refer to the Committee on Police Regulations prevailed.

Mr. Rogers from the Committee on Schools submitted a verbal report relative to the use of the personal pronoun "whom" wherever it occurs on the Journal, recommending that no change is necessary.

The report of the Committee was concurred in.

Mr. Maxwell asked leave of absence for Mr. Mills, which was granted.

On motion of Mr. Griffith a petition of A. Ware of Warren county, praying for relief, was taken from the Committee on Claims to the Committee on Military Affairs.

SPECIAL ORDER.

The following resolution offered by Mr. Barker, being the special order, was taken up:

Resolved, That in the opinion of the House, the General Assembly of the State of Iowa, possesses the rightful Constitutional authority to regulate the fare for freight and passengers on the Railways within the State.

After consideration, Mr. McNutt moved that 1,000 copies of Mr. Barker's argument be printed for the use of the House. Carried.

Mr. Sapp moved that the further consideration of the special order be postponed until Wednesday next.

Mr. Wilson of Dubuque moved to amend by striking out "Wednesday next" and inserting in lieu thereof "one week from next Monday."

The amendment prevailed.

On the question "shall the motion as amended prevail?" the yeas and nays were demanded, and were as follows:

The yeas were Messrs. Abernethy, Abbott, Barnes, Barker, Bahl, Beremen, Bennett, Bolter, Brown of Decatur, Brown of Madison, Buck, Carbee, Clark, Close, Comfort, Conway, Darwin, Dashiell, Dudley, Fellows, Flanders, Gamble, Garrett, Glasgow, Griffith, Holmes, Huggins, Joy, Knapp, Knox, Linderman, Lowdon, Maxwell, McCullough, McLaughlin, Morgan, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Ryan, Sapp, Sherman, Sipple, Travis, Thorn, Van Leuven, Walden, West, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—57.

The nays were Messrs. Alcorn, Boomer, Brown of Van Buren, Brown of Winneshiek, Burnett, Crawford, DeForest, Dwelle, Emery, Finkbine, Fry, Gaylord, Gary, Garber, Goodrich, Graves,

Hand, Holden, Landes, McPherson, McNutt, McKean, Russell, Safely, Serrin, Tracy, Thacher, Wilcox—28.

Absent or not voting, Messrs. Ballinger, Belt, Brown of Louisa, Grodfrey, Hale, Leffingwell, Martin, Mills, O'Brien, Tisdale Thomson and Mr. Speaker—12.

So the motion to postpone prevailed.

Mr. Comfort moved to reconsider the vote by which House File No. 136 was ordered engrossed.

Mr. Barker moved that the consideration of the motion to reconsider be postponed until Monday. Carried.

Mr. Morgan moved to adjourn to Monday morning at 10 o'clock.

Mr. Palmer moved to amend by striking out "10" and inserting "9."

The amendment did not prevail.

The original motion was adopted and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, Feb. 26, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Vernon.

Journal of yesterday read and approved.

By leave, Mr. Martin called up the following resolutions which had been introduced, and laid over under the rule.

Resolved, That Governor Stone be requested to furnish this House the result of his doings in collections from the General Government, the deficit due the State of Iowa, from the five per cent of the sale of the Public Lands within the State, also what expense it has been to the State in carrying out the provisions of Section 2, Chapter 61, Acts of the Tenth General Assembly.

The resolution was adopted.

The House also took up the following resolution, which had been introduced, and laid over under the rule.

Resolved, That his Excellency, the Governor, is hereby most respectfully requested to furnish this House with a list of the vouchers referred to in his late communication to the General Assembly relating to the extraordinary expenses of the Executive Department, showing the number, to whom paid, for what paid, and the amount of each of the several vouchers, as required by Section 27, of Chapter 32, of the Acts of the Tenth General Assembly.

The resolution was adopted.

Mr. Comfort's motion of Saturday to reconsider the vote by

which House File No. 136, A bill for an Act to amend Section 1, of Chapter 109, of the Acts of the Tenth General Assembly, relating to Agriculture, was ordered to be engrossed and read a third time, was taken up.

The motion to reconsider prevailed.

By leave, Mr. Comfort offered substitute to House File No. 136.

Mr. Comfort moved to fill the blank with "five." Carried.

The substitute was then adopted, and ordered to be engrossed and read a third time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following resolutions:

Resolved, That the Senate having been officially informed by the message from the House, of the decease of the Hon. D. A. Stockman, a Representative elect, from the Nineteenth Representative District, does hereby express its deep regret at the sad dispensation which has prevented the deceased from taking part in the deliberations of this General Assembly, and heartily concurs with the House in giving this expression to its heartfelt sorrow at the decease of another of our brave soldiers, able and intelligent Representative elect, and respected citizen, the Hon. D. A. Stockman.

Resolved, That the Senate hereby tenders to the bereaved widow and family of the deceased, its heartfelt sympathy for the irreparable loss they have been called upon to sustain.

Resolved, That a copy of these resolutions, together with the remarks of the Hon. E. S. Sampson, made to the Senate on the character and death of the deceased, be forwarded by the Secretary, to the widow and family of the deceased, and that they be entered upon the journal of the Senate.

JAMES M. WEART, Asst. Secretary.

House resumed consideration of regular order of business.

BILLS ON SECOND READING.

House File No. 142, A bill for an act to amend Section 4133 of the Revision of 1860, and to provide for the collection of costs in criminal causes, was taken up.

Mr. Fellows moved to amend Section 1 by inserting after the word "actions" in fourth line, the words "in the District Court."

Mr. Darwin moved that the bill be recommitted to the Committee on Judiciary.

The motion to recommit prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

I am directed to inform your honorable body the Senate has passed a memorial of the General Assembly of the State of Iowa, asking for grant of land to aid in the construction of the Iowa Central Railroad, which is transmitted herewith, and in which the concurrence of the House is respectfully asked.

JAMES M. WEART, Asst. Secretary.

House File No. 122, A bill for an act to establish a State Normal School, was considered.

Mr. Morgan moved that the House do now adjourn, which motion prevailed.

2 O'CLOCK P. M.

House met pursuant to adjournment.

The House resumed the consideration of House File No. 122, A bill for an act to establish a State Normal School.

Mr. McKean offered the following amendment: Add to Section 13, the following: "No distinction as to race or color shall be permitted among the pupils, instructors, or members of the board of trustees; nor shall any applicant be excluded on the grounds of race or color."

Mr. Safely moved to refer to the Committee of Ways and Means.

Mr. Tisdale moved to amend by postponing it to Saturday, and make it a special order for 10 A. M.

Upon this motion Mr. Tisdale demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Alcorn, Bahl, Belt, Bennett, Boomer, Brown of Louisa, Brown of Van Buren, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Emery, Flanders, Garrett, Godfrey, Holmes, Holden, Joy, Landes, Leffingwell, Linderman, Maxwell, Poindexter, Rogers, Rohlf, Runyan, Ryan, Serrin, Sherman, Travis, Tisdale, Thomson, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—42.

The nays were Messrs. Barnes, Bereman, Bolter, Brown of Decatur, Brown of Madison, Brown of Winneshiek, Comfort, Dwell, Fellows, Fry, Gamble, Gaylord, Gary, Garber, Glasgow, Goodrich, Graves, Griffith, Hand, Huggins, Knapp, Knox, Lowdon, Martin, McPherson, McNutt, McCullough, McLaughlin, McKean, Morgan, O'Brien, Olmstead, Palmer, Russell, Sapp, Safely, Tracy, Thacher, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Williams of Winneshiek—47.

Absent or not voting, Messrs. Abbott, Ballinger, Barker, Buck, Finkbine, Hale, Mills, Sipple, Stockman—9.

So the motion to postpone was lost.

Mr. Tisdale moved to amend by adding "With instructions to report a bill for such a school as contemplated in this bill."

Mr. Sipple moved that the House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, February 27, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Rev. Mr. Phillips.

Journal read, corrected, and approved.

Mr. Clark asked and obtained unanimous consent to take up a memorial and joint resolutions from the Senate, asking a grant of lands to aid in the construction of the Iowa Central Railroad.

The memorial and joint resolutions were read and considered.

Mr. Morgan moved its reference to the Committee on Railroads.
Lost.

Mr. Bennett offered the following amendment, which was lost:

Provided, That the Company accepting such grant shall always be subject to such rules and regulations as may be prescribed by the Legislature of the State of Iowa, including the regulation of tariffs charged by such Company, for the transportation of passengers and freight.

The memorial and resolution was adopted.

By leave, Mr. Glasgow introduced the following resolution, which was adopted:

Resolved, That the Committee on Military Affairs be directed to inquire into the propriety of further legislation in relation to the pay due the First Iowa Cavalry, and that said committee be directed to report by bill or otherwise.

The House resumed the consideration of House File No. 122, A bill for an act to establish a State Normal School.

Mr. Knox moved the previous question.

The previous question was not seconded.

Mr. Garrett moved that the House do now adjourn.

The motion prevailed, and the House adjourned.

2 O'CLOCK P. M.

The House met pursuant to adjournment.

By leave, Mr. Finkbine presented the following resolution, which was adopted:

Resolved by the House of Representatives, the Senate concurring, That the joint committee appointed to investigate the alleged diversion of the swamp land indemnity fund, be hereby instructed to report to their respective Houses on or before the 10th of March next.

By leave, Mr. Thomson introduced the following resolution, which was adopted:

Resolved, That no bill shall be introduced into this House after the 7th day of March next, except by a committee of the House.

By leave, Mr. Boomer offered the following resolution, which was not adopted:

Resolved, That a committee upon medical institutions be added to the standing committees of this body.

The House resumed the consideration of House File No. 122, a bill to establish a State Normal School.

Upon the adoption of the instructions to the Committee on Ways and Means, the yeas and nays were demanded, and were as follows:

The yeas were Messrs. Abernethy, Bennett, Burnett, Clark, Dashiell, Dudley, Emery, Flanders, Garrett, Godfrey, Holden, Linderman, Maxwell, Olmstead, Palmer, Poindexter, Rogers, Rohlfis, Travis, Tisdale, Thomson, Wilson of Jackson, Wilson of Marshall, and Mr. Speaker—24.

The nays were Messrs. Abbott, Alcorn, Barnes, Bahl, Belt, Berman, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Buck, Carbee, Close, Comfort, Crawford, Darwin, DeForest, Dwelle, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Lowdon, Martin, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall—69.

Absent or not voting, Messrs. Ballinger, Barker, Conway, and Leffingwell—4.

The motion to instruct the Committee did not prevail.

Mr. Burnett moved that the whole matter be laid upon the table, upon which motion Mr. Rogers demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abbott, Alcorn, Bahl, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Winnesheik, Buck, Burnett, Carbee, Close, Comfort, Crawford, Darwin, DeForest, Dwelle, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Huggins, Knapp, Knox, Landes, Lowden, Martin, McPherson, McNutt, McLaughlin, McKean, Morgan, O'Brien, Russell,

Sapp, Safely, Sherman, Sipple, Tracy, Thacher, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Williams of Winneshiek—57.

The nays were Messrs. Abernethy, Barnes, Belt, Bereman, Bennett, Boomer, Brown of Van Buren, Clark, Dashiell, Dudley, Emery, Flanders, Glasgow, Godfrey, Holden, Joy, Linderman, Maxwell, McCullough, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Ryan, Serrin, Travis, Tisdale, Thomson, Walden, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—34.

Absent or not voting, Messrs. Ballinger, Barker, Conway, Lefingwell, Mills, and Wilson of Dubuque.

So the motion to lay upon the table prevailed.

Mr. Williams of Des Moines moved that the House now take up bills from the Senate.

The motion prevailed.

Senate File No. 85, A bill for an act concerning acknowledgements of deeds in foreign countries, and to repeal Section 2244 of the Revision of 1860, was read a first and second time and referred to the Committee on the Judiciary.

Senate File No. 98, A bill for an act to authorize the County Judge of Des Moines County to record and complete the record of proceedings had before his predecessor in office, was read a first and second time and referred to the Committee on the Judiciary.

Senate File No. 87, A bill for an act to amend Section 1 of Chapter 128 of the acts of the 10th General Assembly, was read a first and second time.

Mr. Finkbine moved that the bill be ordered to be read a third time.

The motion prevailed.

Mr. Finkbine moved that the rule be suspended and the bill read a third time now.

The motion prevailed.

The bill was read a third time, and upon the question "shall the bill pass," the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Belt, Beremen, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden,

West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—93.

The nays were none.

Absent, or not voting, Messrs. Balinger, Barker, Leffingwell, and Wilson of Dubuque—4.

So the bill passed and the title was agreed to.

Senate File No. 101, A bill for an act legalizing conveyances of real estate to the St. Charles Cemetery Association, was read a first and second time, and referred to the Committee on the Judiciary.

Senate File No. 104, A bill for an act fixing the compensation of Referees, Surveyors and Assistants in partition cases, was read a first and second time, and referred to the Committee on Ways and Means.

Senate File No. 117, A bill for an act to amend Chapter 9 of the Laws of the Eleventh General Assembly, was read first and second times.

Mr. Abbott moved that the bill be ordered to be read a third time.

The motion prevailed.

Mr. Tracy moved that the bill be read a third time now.

The motion prevailed, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Belt, Bereiman, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—88.

The nays were, none.

Absent or not voting, Messrs. Ballinger, Barker, Bolter, Brown of Winneshiek, Conway, Hale, Leffingwell, Mills, and Wilson of Dubuque—9.

So the bill passed and the title was agreed to.

Senate File No. 86, A bill for an act to enable aliens to acquire, control and dispose of property as citizens, was read a first and second time and referred to Committee on Judiciary.

The Senate amendments to House File No. 69, A bill for an act making provision for the settlement of all liabilities of the State

and University growing out of the sale of certain lands in Appanoose county, known as Saline Lands, were considered, and upon the question of concurring in the same the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Haud, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Ryan, Sapp, Safely, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—88.

The nays were none.

Absent or not voting, Messrs. Ballinger, Buck, Bolter, Hale, Leffingwell, Mills, Russell, Serrin, and Wilson of Dubuque—9.

So the amendments were concurred in.

The Speaker presented the following message from His Excellency, Gov. W. M. Stone:

STATE OF IOWA, EXECUTIVE DEPARTMENT, }
DES MOINES, February 26th, 1866. }

To the House of Representatives of the State of Iowa :

In reply to your resolution this day adopted, requesting me to furnish the House of Representatives with a list of the vouchers, referred to in my late communication to the General Assembly, relating to the extraordinary expenses of the Executive Department, showing the number, to whom paid, and amount of each of the several vouchers, as required by Section 27, of Chapter 32, of the Acts of the 10th General Assembly, I have the honor to state that I have already, in my communication of the 6th instant, furnished your Honorable Body with the list called for, which list embraces fully all the information contemplated by your resolution.

W. M. STONE, Governor.

The message was laid upon the table.

The House resumed consideration of the regular order, being

BILLS ON SECOND READING.

House File No. 96, A bill for an act to amend Section 710 of Chapter 45, and Section 312 of Chapter 22, of Revision of 1860, together with a substitute therefor, was considered.

The substitute was rejected by the House.

Mr. Dudley moved to amend by striking out the words "three mills," and inserting in lieu thereof, the words "two mills."

Mr. Close moved to amend by striking out "three mills," and inserting "one mill."

Mr. Bennett moved that the House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, Feb. 28, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by the Rev. Mr. McCague.

Journal of yesterday read and approved.

On motion of Mr. Morgan, the regular order was suspended to allow the introduction and referring of petitions and remonstrances and the introduction of bills.

Mr. Morgan presented a petition from Aaron Sternes and others, citizens of Keokuk county, asking for the passage of a law for the protection of sheep.

Referred to Committee on Agriculture.

Mr. Morgan presented a petition from W. C. Johnston, asking for the passage of an act giving bounties on the scalps of gophers.

Referred to same Committee.

Mr. Morgan presented a petition from W. B. Merrian and others, citizens of Keokuk county, asking for an increase in the compensation of County Surveyors.

Referred to the Select Committee of which Mr. Williams of Des Moines is Chairman.

Mr. Knapp presented a similar petition from E. Andrews and others, citizens of Hardin county.

Referred to same Committee.

Mr. Runyan presented a similar petition from J. A. Bills and others, citizens of Benton county.

Referred to same Committee.

Mr. Williams, of Winneshiek, presented remonstrances from Wm. Cook, H. J. Harden, S. A. Lamb, C. M. Scott, Henry Callender, Andrew Nelson and others, citizens of Winneshiek county, against the repeal of the Prohibitory Liquor Law.

Referred to Committee on Suppression of Intemperance.

Mr. Garber presented a petition from John Putz and others, citizens of Clayton county, asking for the repeal of the Prohibitory Liquor Law.

Referred to same Committee.

Mr. Serrin presented a similar petition from James Jones and others, citizens of Marengo, Iowa county.

Referred to same Committee.

Mr. Darwin presented a similar petition from Thos. E. Corkhill and others, citizens of Des Moines county.

Referred to same Committee.

Mr. Darwin presented remonstrances from Mary A. Salter, S. Pollock and others, citizens of Des Moines county, against the repeal of the Prohibitory Liquor Law.

Referred to same Committee.

Mr. Rohlf presented petitions from James Selkey, H. C. Wallace and others, citizens of Scott county, asking for the repeal of the Prohibitory Liquor Law.

Referred to same Committee.

Messrs. Knox, Safely, Glasgow, Sapp, Fry, Wilson of Jackson, Wilson of Dubuque, Wilson of Marshall, Carbee, Griffith, Ballinger, Finkbine, Ryan, McLaughlin, Close, Bennett, Leffingwell, Bahl, Goodrich, Wilcox, Maxwell, Russell, Dudley, Rogers, Tracy, and Dwelle, presented similar petitions and remonstrances from their constituents, which were referred to the same Committee.

Mr. Rogers presented a petition from the members of the Bar of Scott county, asking for the establishment of a Law Department in the State University.

Referred to Committee on State University.

Mr. Close presented a similar petition from the members of the Bar of Black Hawk county, which was referred to the same Committee.

Mr. Wilcox, of Dubuque, presented a similar petition from the Bar of Dubuque county.

Mr. Wilcox from the Bar of Buchanan county.

Mr. Ballinger from the Bar of Lee county.

Mr. Safely from the Bar of Cedar county.

Mr. Palmer from the Bar of Lucas county.

Mr. Fry from the Bar of Jefferson county.

Mr. Darwin from the Bar of Des Moines county.

Mr. Dashiell from the Bar of Monroe county.

Mr. Walden from the Bar of Appanoose county.

Mr. Brown, of Van Buren, from the Bar of Van Buren county.

Mr. Wilson, of Jackson, from the Bar of Jackson county.

Mr. Gamble from the Bar of Marion county.

Mr. Burnett from the Bar of Muscatine county.

Mr. Sapp from the Bar of Pottawattamie county.

Mr. DeForest from the Bar of Johnson county.

Mr. Boomer from the Bar of Delaware county.

Mr. Linderman from the Bar of Page county.

Mr. Travis from the Bar of Bloomfield.

Mr. Brown from the Bar of Louisa county.

Which were referred to same Committee.

Mr. Darwin presented a resolution from the city of Burlington, which was referred to the Committee on the Suppression of Intemperance.

Mr. Wright presented a petition from M. W. Webster and other citizens of Alamakee County, asking for an extension of the jurisdiction of County Courts, which was referred to the Committee on the Judiciary.

Mr. McLaughlin presented a petition from John Wright and other citizens of Jackson county, asking for an extension of the jurisdiction of Justices of the Peace, which was referred to same Committee.

Mr. Safely presented a petition from Hon. J. H. Rothrock and other citizens of Cedar county, asking for an increase in the fees of Sheriffs, which was referred to the Committee on Compensation of Public Officers.

Mr. Close presented a petition from John Ball, Surveyor of Black Hawk county, asking for an increase in the pay of county Surveyors, which was referred to the select Committee on that subject.

Mr. Joy presented a similar petition from Orange S. Wright and other citizens of Cherokee county, which was referred to the same Committee.

Mr. Martin presented a similar petition from J. B. Needham and others, which was referred to the same Committee.

Mr. Martin presented a petition from James Johns and others, praying for a resumption of the land grants to the B. & M. R. R., which was referred to the Committee on Railroads.

Mr. Safely presented a petition from the Farmers' Club of Farmington Township, Cedar county, in relation to Railroad charges, which was referred to the Committee on Commerce.

Mr. Thorn presented a petition from the shippers of produce of Camanche, Clinton county, praying that Railroads be compelled to come under the law of common carriers, which was referred to the same Committee.

Mr. Garrett presented a petition from F. O. Morris and others, citizens of Davis county, asking the General Assembly to restrict Railroads in their tariff of prices, which was referred to the same Committee.

Mr. Bahl presented a remonstrance from S. Wilson, and others, against any interference with the land grant to the Dubuque and Sioux City Railroad, which was referred to the Committee on Railroads.

Mr. Wilson of Dubuque, presented similar remonstrances from Orange Pound, and others, which were referred to the same Committee.

Mr. Leffingwell presented petitions from John W. Gillett, Jed. Clark, and others, asking for the passage of an act to compel the

McGregor Western Railroad Company to construct certain lines of road, which were referred to the same Committee.

Mr. Tisdale presented a similar petition from citizens of Chickasaw county, which was referred to the same Committee.

Mr. Abernethy presented similar petitions from O. G. Brainard, W. W. Gardner, C. H. Parker, and others, which were referred to the same Committee.

Mr. Graves presented a petition from Frank Jenkins, and others, citizens of Emmett county, asking for the passage of an act allowing counties to regulate the running at large of sheep and hogs in their respective counties, which was referred to the Committee on Agriculture.

Mr. Crawford presented similar petitions from John B. Swain, S. B. Wallace, N. D. Collins, and others, which were referred to the same Committee.

Mr. Wilson of Marshall, presented a remonstrance from Adam Scott, and others, citizens of Marshall county, against the enactment of a law restraining cattle from running at large, which was referred to the same Committee.

Mr. Dwelle, presented a petition from Cyrus Clark, and others, asking that no extension of time be granted in the limitations of the land grant to the Dubuque and Sioux City Railroad Company, which was referred to the Committee on Railroads.

Mr. Alcorn presented petitions from Nicholas Kitt, and others, citizens of Webster county, praying for the resumption of the lands granted to the Cedar Rapids and Missouri River Railroad Company, which were referred to the same Committee.

Mr. Alcorn presented a petition from 135 citizens of Webster county, praying for legislation to protect them against the Dubuque and Sioux City Railroad Company, and Homestead Company, which was referred to the same Committee.

Mr. Ballinger presented a petition from Henry Strong, and others, members of the Keokuk Bar, praying for a change in the time of holding courts at Keokuk, which was referred to a select Committee of the Lee county delegation, of which Mr. Ballinger should be chairman.

Mr. Dashiell presented a petition from Cyrus Cook and others, praying for a change in county government, which was referred to the Committee on County and Township Organization.

Mr. Gamble presented a petition from the Mayor and City Council of Knoxville, asking that the reorganization of the city government of said city be legalized, which was referred to the Committee on Incorporations.

Mr. Safely presented a petition from John Dorcas and other citizens of Cedar county, in reference to bounty on live hedge fences, which was referred to the Committee on Agriculture.

Mr. Fellows presented a petition from G. M. Hays and others asking for a change in the city government of Lansing, Alamakee

county, which was referred to the Committee on Incorporations.

Mr. Sherman presented a petition from John Garaghty, praying for relief, which was referred to the Committee on Claims.

Mr. Glasgow presented a petition of citizens of Wayne county, asking for the passage of the bill for an act to provide for the publication of general laws and proceedings of Boards of Supervisors of the several counties, which was laid upon the table.

Mr. Williams of Winneshiek, presented a petition from S. R. Grahill and others, praying for the passage of an act fixing the amount of tolls to millers, which was referred to a Select Committee, of which Mr. Williams of Winneshiek is chairman.

Mr. Martin presented a petition from S. B. McCall and others, citizens of Boone county, asking for an increase in the fees of Justices, which was referred to the Committee on Compensation of Public Officers.

Mr. Walden presented a similar petition from T. M. Fee and others, which was referred to the same committee.

Mr. Abbott presented a similar petition from citizens of Dallas county, which was referred to the same committee.

Mr. Barnes presented a similar petition from citizens of Mahaska county, which was referred to the same committee.

Mr. Ballinger presented a similar petition from John Van Valkenburgh and others, citizens of Lee county, which was referred to the same committee.

Mr. Thorn presented a similar petition from B. Bart, County Surveyor of Clinton county, which was referred to the same committee.

Mr. Wright presented a similar petition from R. M. Wright and others, citizens of Alameda county, which was referred to the same committee.

Mr. Thorn presented a petition from the bar of Clinton county asking for the establishment of a Law Department in the State University, which was referred to the Committee on State University.

Mr. Hand presented petitions from H. Corbin and others, praying for the resumption of the land grants to the O. R. and M. R. R. R. Company, which was referred to the Committee on Railroads.

Mr. Joy presented a petition from citizens of Story county, asking for an increase of the fees of Justices of the Peace, which was referred to the Committee on Compensation of Public Officers.

Mr. Griffith presented a similar petition from citizens of Warren county, which was referred to the same committee.

Mr. McKean presented a similar petition from citizens of Jones county, which was referred to the same committee.

Mr. McNollough presented a similar petition from citizens of Jefferson county, which was referred to the same committee.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body, that the Senate has passed the following bills, and concurrent resolution, in which the concurrence of the House is asked.

Senate File No. 8, A bill for an act to provide for establishing private roads in the State of Iowa.

Senate File No. 112, A bill for an act to amend an act entitled "an act to amend Section 432, Chapter 29, of the revision of 1860, approved March 23, 1864, being an act fixing the salaries of Clerks of the District Court, in counties having two county seats.

Senate File No. 125, A bill for an act to amend Chapter 91, of the laws passed by the Tenth General Assembly, entitled "an act granting a right of way to open and drain coal mines."

Substitute for House File No. 41 and 35, and substitute therefor, A bill for an act entitled an act to amend Chapter 89, of the acts of the Tenth General Assembly, entitled an act for the relief of the families of soldiers and mariners in the service of the United States, with the following amendments, viz:

By adding an "s" to the word "year," in the 4th line of the second section; and after the figures "1866," in the same line, adding "and 1867;" by striking out the word "two," in the fifth line, and inserting the word "one."

By striking out the third section, and inserting sections three and four, which read as follows:

"Sec. 3. All moneys raised under the provisions of this act, belonging to the relief fund, shall be expended under the provisions of the act to which this is amendatory.

"Sec. 4. Sections 2 and 3, and all other parts of the act to which this is amendatory, in conflict with the provisions of this act, are hereby repealed."

By making Sec. 4, Sec. 5.

Concurrent resolution relative to the establishment of a National Bureau of Education, with the following amendment, viz:

By striking out, at the end thereof, the words, "and to the securing of a uniform system of common school education throughout the United States."

JAMES M. WEART,
Assistant Secretary.

INTRODUCTION OF BILLS.

Mr. West introduced House File No. 191, "A bill for an act to authorize county subscriptions to agricultural societies," which was read first and second times, and referred to the Committee on Agriculture.

Mr. Godfrey introduced House File No. 192, "A bill for an act

to permanently locate the institution for the deaf and dumb at Des Moines, and to provide for the erection of buildings, &c.," which was read first and second times, and referred to the Committee on Deaf and Dumb Asylum.

Mr. Godfrey introduced House File No. 193, "A bill for an act to amend Section 3370 of the Revision of 1860, in relation to the appraisement of property," which was read first and second times, and referred to the Judiciary Committee.

Mr. Burnett introduced House File No. 194, A bill for an act to provide for making assessments and to promote the collection of taxes and assessments of cities and towns.

Read first and second times, and referred to the Committee on Incorporations.

Mr. Hale introduced House File No. 195, A bill for an act to permit the accused to testify in criminal actions.

Read first and second times, and referred to the Judiciary Committee.

Mr. Hale introduced House File No. 196, A bill for an act to repeal a portion of Section 12 of Chapter 160 of the Acts of the 9th General Assembly.

Read first and second times, and referred to the Committee of Ways and Means.

Mr. Bolter introduced House File No. 197, A bill for an act to permit Charles P. Brandriff to purchase of this State at \$1.25 per acre the W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Section 13, Township 79 N., R. 44, the same being a part of the excess 500,000 grant.

Read first and second times and referred to the Committee on Public Lands.

Mr. Darwin introduced House File No. 198, A bill for an act to provide for a special term of the District Court in Lee county.

Read first and second times and referred to the delegation from Lee county.

Mr. Darwin introduced House File No. 199, A bill for an act to provide for the translation into and publication in the German language of the laws of a general nature passed by the 11th General Assembly of the State of Iowa.

Read first and second times and referred to the Committee on Printing.

Mr. Darwin introduced House File No. 200, A bill for an act to relinquish an escheat.

Read first and second times and passed upon the files.

Mr. Darwin introduced House File No. 201, An act authorizing incorporate cities to regulate the traffic in malt and spirituous liquors, and for other purposes, which was read a first and second time and referred to the Judiciary Committee.

Mr. Wright introduced House File No. 202, A bill for an act to amend Sub-Division 2, Section 710, Revision of 1860, which was

read a first and second time and referred to Committee on County and Township Organization.

Mr. Russell introduced House File No. 203, A bill for an act resuming lands of C. R. & M. R. R. R., and conveying them to Iowa Central Air Line, their grantees or assigns, which was read a first and second time and referred to the Committee on Railroads.

Mr. Gamble introduced House File No. 204, A bill for an act to legalize the city election of the city of Knoxville, and the reorganization of the city government, and the official acts of the city council of said city, which was read a first and second time and referred to Committee on Incorporations.

Mr. Rohlf's introduced House File No. 205, A bill for an act to legalize and regulate the sale of intoxicating liquors, which was read a first and second time.

Mr. Rohlf's moved that the bill be referred to a select Committee, of which Mr. Wilson of Dubuque should be Chairman.

Mr. Palmer moved to amend by referring it to the standing Committee on the Suppression of Intemperance.

Mr. Ryan moved that the House do now adjourn.

The motion prevailed and the House adjourned.

2 O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Bereman moved that the bill under consideration, House File No. 205, A bill for an act to legalize and regulate the sale of intoxicating liquors be laid upon the table, and upon that question demanded the yeas and nays, which were as follows :

The yeas were Messrs. Abernethy, Beremen, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Burnett, Carbee, Clark, Crawford, Dudley, Dwelle, Emery, Flanders, Fry, Gary, Godfrey, Graves, Griffith, Hand, Holden, Joy, Knapp, Landes, Linderman, Maxwell, McPherson, McNutt, McKean, Morgan, Palmer, Poindexter, Runyan, Safely, Thatcher, Travis, Tisdale, West, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—42.

The nays were Messrs. Barnes, Barker, Bahl, Bolter, Brown of Decatur, Buck, Close, Comfort, Conway, Darwin, Dashiell, DeForrest, Fellows, Gamble, Garrett, Garber, Glasgow, Goodrich, Hale, Holmes, Huggins, Knox, Leffingwell, Lowdon, Martin, O'Brien, Olmstead, Rogers, Rohlf's, Russell, Sapp, Tracy, Thomson, Thorn, Van Leuven, Wright, Wilson of Dubuque, Williams of Des Moines, Mr. Speaker—39.

Absent or not voting, Messrs. Abbott, Alcorn, Ballinger, Belt, Brown of Van Buren, Finkbine, Gaylord, McCullough, McLaughlin, Mills, Ryan, Serrin, Sherman, Sipple, Walden and Wilcox—16.

So the bill was laid upon the table.

Mr. Dashiell introduced House File No. 206, A bill for an act to regulate the sale of beer, wine and cider, which was read a first and second time and referred to the Committee on Suppression of Intemperance.

Mr. Brown of Winneshiek, introduced House File No. 207, A bill for an act to compel owners of dams to construct and attach thereto aprons or shutes, which was read a first and second time and referred to the Committee on County and Township Organization.

Mr. Rogers introduced House File No. 208, A bill for an act to authorize the city councils of cities in this State to grant the use of the streets of said cities for the construction of horse railroads, which was read a first and second time and passed upon the Files.

Mr. Glasgow introduced House File No. 209, A bill for an act relating to Adjutant General's report for 1867, which was read a first and second time and referred to the Committee on Military Affairs.

Mr. Thorn introduced House File No. 210, A bill for an act to fine and imprison administrators and executors for contempt of court and neglect of duty, which was read a first and second time and referred to Judiciary Committee.

Mr. Thorn introduced House File No. 211, A bill for an act to amend Chapter 146, of the Revision of 1860, in relation to assignment and satisfaction of mortgages, which was read a first and second time and referred to Judiciary Committee.

Mr. Thorn introduced House File No. 212, A bill for an act to repeal Chapter 26, of the acts of the Ninth General Assembly, which was read a first and second time and referred to Judiciary Committee.

Mr. Abernethy introduced House File No. 213, A bill for an act to ascertain the citizens entitled to the right of suffrage and to prevent fraudulent voting, which was read first and second times and referred to Committee on Elections, and ordered printed.

Mr. Tisdale introduced House File No. 214, A bill for an act to amend Sections 1267 and 1269 of the Revision of 1860, allowing juries to assess damages, which was read first and second times, and referred to Committee on Domestic Manufactures.

Mr. Finkbine introduced House File No. 215, A bill for an act providing for the completion of the Geological Survey of the State of Iowa, which was read first and second times.

Mr. Finkbine moved that the bill be referred to a select committee of five, and ordered printed.

The motion prevailed.

The Speaker appointed as such Committee, Messrs. Finkbine, Sapp, Barker, Sherman, and Joy.

Mr. Joy introduced House File No. 216, A bill for an act to amend Section 765 of Chapter 45, of the Revision of 1860, which

was read first and second times, and referred to Committee on Ways and Means.

Mr. Wilson, of Jackson, introduced House File No. 217, A bill for an act to amend an act to provide for payment of taxes and the interest and principal of the School Fund in Treasury notes, issued as legal tender by authority of the Government of the United States, &c., which was read first and second times and referred to Committee on Ways and Means.

Mr. Holden introduced House File No. 218, A bill for an act to repeal Section 1760 of Revision of 1860, which was read first and second times and referred to Committee on Incorporations.

Mr. Russell introduced House File No. 219, A bill for an act to legalize the official acts of S. C. Johnson, a Justice of the Peace in Jones county, Iowa, which was read first and second times, and referred to Judiciary Committee.

Mr. Holden introduced House File No. 220, A bill for an act to amend Sections 312 and 1389 of the Revision of 1860, which was read first and second times and referred to Committee on County and Township Organization.

Mr. Holden introduced House File No. 221, A bill for an act to amend Chapter 137 of the Laws of the Ninth General Assembly, which was read first and second times and referred to Committee on Compensation of Public Officers.

Mr. Brown, of Decatur, introduced House File No. 222, A bill for an act to amend Section 3304, Chapter 125, Revision of 1860, which was read first and second times, and referred to Judiciary Committee.

Mr. Close introduced House File No. 223, A bill for an act to amend Section 1267 of the Revision of 1860, in relation to mill dams, which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Brown, of Winneshiek, presented a report from the Select Committee appointed to investigate the affairs of the Iowa State Penitentiary, as follows:

The undersigned Committee, to whom was assigned the duty of visiting and inspecting the Penitentiary, beg leave to submit the following report:

Your Committee investigated the manner in which the appropriations made by the 10th General Assembly have been expended and applied, and also the expediency of the improvements suggested in the Warden's report. The 10th General Assembly made the following appropriations:

For Hospital buildings.....	\$8,100.00
For completing yard wall.....	6,796.00
For building Warden's house.....	5,000.00
For furnishing cells.....	2,002.00
For safe	250.00

The hospital building is a substantial two-story brick edifice, con-

taining kitchen and dining room below, and hospital and Chapel above. Except sealing the Chapel, the building is completed. The money appropriated will complete the work.

The appropriation for completing the yard wall has been expended for that purpose, and the entire wall is completed, with the exception of about 26 perch of cut stone coping.

The amount appropriated for the Warden's house has been applied to the erection of a handsome and convenient brick dwelling containing fourteen rooms. The building is substantial and in good taste.

The amount appropriated for completing the third tier of cells will be sufficient to finish the work, making in the aggregate one hundred and sixty-two cells.

The amount received by the Warden from the State for the construction of a safe, was applied to the Warden's house fund, and in connection with that building a clerk's office and substantial vault were built. In the vault is kept the safe containing the books and papers of the prison.

Your Committee unite in the opinion that all the appropriations made by the Tenth General Assembly for purposes connected with the State Prison have been faithfully applied to their several objects with due regard to the best interests of the State.

Your Committee have investigated the expediency of the several improvements for which appropriations are asked in the Warden's report; and, while we agree with the Warden in the propriety of the improvements suggested, yet, in view of the present high rates of taxation and public expense, we are of the opinion that some of the appropriations may be postponed until the next General Assembly without serious detriment to the State. We recommend the following appropriations:

For apparatus for heating and lighting cell building,	\$3,100.00
For finishing pointing walls.....	1,000.00
For slate roof on cell building.....	4,000.00
For furnishing Warden's house.....	1,000.00
For extending sewer.....	8,000.00
For protection against fire.....	10,000.00

The cell building is badly warmed and lighted. On this point we fully concur with the Committee appointed by the Tenth General Assembly, expressed in their report as follows:

"The building is poorly lighted, and *not warmed at all*, the apparatus used for heating being common stoves, which are set at such a distance from the chimneys as to require about one hundred feet of pipe, fixed with an occasional drum, so as to keep up a great deal more smoke than heat." If vengeful punishment is the only object sought, the cell-room should remain as it is, cold and dark. But if any reformation in the character of those imprisoned is desired, a change should be made. Your committee therefore recom-

mend that an appropriation be made for properly lighting and warming the cell-room.

The old wall needs pointing with mortar, to place it in a good state of preservation. We therefore recommend an appropriation for that purpose.

The cell-building is covered with an old shingle-roof, worthless, and liable to take fire at any time. In view of the fact that no insurance can be obtained on prison property, we recommend that a slate roof be substituted.

From the fact that the Warden is elected for only two years, he cannot, at the salary he receives, afford to furnish the Warden's house. An appropriation of one thousand dollars is therefore recommended.

There is a tract of unbroken land between the prison and the Mississippi river, containing about twelve acres. On this ground are three dwelling houses and a distillery. The creek into which the prison sewer empties runs across this land, and the owners have offered to sell the property to the State for twelve thousand dollars. Unless the State buys the land, it will be necessary to inclose the sewer to the river, a distance of 950 feet, at an estimated cost of \$8,000.00. The purchase of this property will also greatly reduce the cost of providing the Penitentiary with proper protection against fire; and this for the reason that a reservoir can easily be constructed on a hill situated immediately in rear, and above the prison, into which water can be forced by an engine erected on this property. The engine is in good order, and is well adapted to the use suggested. The water can be easily conducted by pipes, from the river, to all parts of the prison, and thus afford easy means of extinguishing fires, without the necessity of turning out the convicts, and thereby offering them chances of escape.

Your committee are of the opinion, therefore, that it would be to the interest of the State to buy the land, and also appropriate \$3,000 to complete the arrangements; for in this way the State can possess the land and accomplish the same ends at a less expense than would be required to extend the sewer and protect the prison from fires in any other manner.

In conclusion, your committee beg leave to report that they found the management, discipline, and sanitary condition of the prison most excellent, there having been no escapes, and but one death, in five years.

All of which is respectfully submitted.

[Signed]

EDWARD H. STILES,	} Committee.
J. H. BROWN,	
M. M. WALDEN,	

The report was laid upon the table.

Mr. Goodrich from the Select Committee appointed to investigate and report upon the affairs of the Blind Asylum, submitted a report which was laid upon the table and ordered printed.

To the General Assembly of the State of Iowa :

Your Committee appointed in pursuance of the Joint Resolution of the General Assembly to visit the Iowa Institution for the Education of the Blind, located at Vinton, in Benton county, have performed that duty, and beg leave to submit the following report :

BUILDINGS AND GROUNDS.

We found the principal building commodious and well adapted to the purpose for which it was erected. It was in as good order as we could have expected to find it, considering the state of the weather, and the facilities afforded for furnishing and heating the house. The workshop which has been erected recently, is not quite finished, but is being used as a broom factory. It is rather small, and will doubtless have to be enlarged at no distant day. The grounds surrounding the building and belonging to the Institution, consist of forty acres. They are tastefully laid out, well fenced in convenient lots, and in good order. About nineteen acres are in cultivation, more than half of which were devoted to the production of broom corn, to be used in the workshop connected with the Institution.

THE MANAGEMENT.

We found the officers and teachers courteous and attentive, tender and considerate of the welfare of the unfortunate persons under their supervision, and exhibiting evidence of skill and deep interest in the performance of their duties. The inmates, fifty-eight in number, were cheerful and contented, and seemed to be making fair progress in their studies.

Your Committee cannot refrain from expressing their gratification that this noble charity has been so well administered, and that the management seems to be lodged in such competent hands.

INDUSTRIAL PURSUITS.

The mechanical department, consisting simply of a broom factory is under the direction of John Cisna, himself blind, and we saw specimens of brooms made by the inmates exhibiting superior skill. One John Thompson, aged thirty-nine years, and who has been blind for three years, came to the institution last September, and has already learned to make a pretty good broom, besides making some progress in intellectual studies, thus showing the advantages of the institution to persons considerably advanced in years. From being a burden to his county, in one year he will be provided with the means of making a comfortable support. This opportunity seems to be a light to him in his darkness, and an oasis in his desert life. Instead of being a barren waste, these people by being

taught thus to "see with their fingers," will find their life not altogether destitute of blessings and usefulness.

In the female department we observed a large number of specimens of bead work, both ornamental and useful. Some of these specimens were, indeed, very fine, and would do credit to skillful fingers, aided by practiced vision.

MUSIC.

Nearly all the inmates are passionately fond of music, both vocal and instrumental, and many of them have made considerable proficiency in this elegant science. As this branch of the institution is their only source of amusement, and may become the means of obtaining a livelihood to many of them, and inasmuch as music exercises so elevating and refining an influence upon the mind and heart, special attention should be given to it, and liberal provision made for furnishing teachers and instruments.

LIBRARY.

It is the custom of the teachers to assemble the inmates, and read to them from standard authors on history, biography, &c., and also the news of the day. This is wise and largely beneficial, and should be encouraged by supplying the necessary books and papers. Our attention was particularly directed to the scanty library, and the fact that the few books in it are much worn and out of date. Liberal provision should be made for supplying new and standard works.

THE TABLE

Was well supplied with substantial provisions, but we are assured by the Superintendent that the allowance for the table expenses had been found too small, and it required extraordinary economy to make it meet the wants of the institution. It is thought necessary, and your Committee would recommend, that the allowance to each inmate be forty dollars per quarter, being ten dollars more than the present rate.

CLOTHING.

We observed a necessity for making some allowance for furnishing suitable clothing for some of the inmates. The unfortunate persons, for whose benefit the institution is established, often belong to poor families whose scanty means afford a very small margin for supplying the necessary clothing from home. We regard it as the duty of the State in such cases to supply this need.

INSURANCE.

The buildings should be kept insured, but we are informed that no provision by law has been made for this purpose, and the Trustees deem such authority and an appropriation to meet the expense thereof necessary.

THE WANTS OF THE INSTITUTION.

We regret to have found the building inadequately furnished and heated. Chairs, carpets, and bedsteads are greatly needed. The bedding is not only insufficient in quantity, but of inferior quality, and much worn. The musical instruments are battered and worn, and many of them, especially the pianos, ought as soon as practicable, to be replaced with new ones, and a number of instruments for the band should be supplied.

Your Committee deem good furnaces for heating the buildings absolutely indispensable to the comfort of the inmates, and the safety of the property. So large a building cannot be comfortably warmed with stoves. A sufficient number of stoves would consume enormous quantities of fuel, and require the employment of firemen who can see. Owing to the fact that the inmates cannot see the coals that occasionally fall from the stoves, the floors are scorched, and in some instances holes are burned quite through them; and the girls' dresses coming in contact with hot stoves are constantly endangering the lives of the inmates and the security of the property. The halls are large and in midwinter very cold, and the dormitories entirely destitute of heating facilities. It is unsafe to permit stoves in the sleeping apartments. We cannot contemplate without horror the disaster that would result from the burning of such a building filled with sleeping inmates, unblest with the sense of sight. On the other hand it makes one shudder to think of three score persons, whose condition makes them tardy retiring to or rising from their icy beds in midwinter in the third story of a high, isolated stone building.

If good furnaces were supplied, the heat rising from the registers in the halls would impart sufficient warmth to the dormitories and rooms not otherwise supplied, and add greatly to the comfort and health of all the inmates. The halls were nearly as cold as the open air, and when your committee visited the Institution, water would turn to ice instantly on coming in contact with the floor of the halls, and rooms not supplied with stoves, making it impracticable to wash and keep them in proper order. On opening the doors of the rooms heated by stoves, the cold rushes in almost as much as if the communication was with the open air. Economy, safety and comfort alike demand the speedy erection of furnaces.

It is manifest that at least a team of horses for use of officers and inmates, and to aid in cultivating the farm, and a number of

milch cows are indispensable. Milk is an indispensable article and, furnished in liberal quantities, adds very much to the comforts of the table, and the economy of the culinary department. The mere mention of these subjects is sufficient to indicate the necessity for a good barn to shelter the stock and store their provender.

A woodshed is also much needed. Additional machinery is much needed in the workshop, and provisions for enlarging the shop should be made, to meet the growing demands of the Institution. The library should at once be replenished, and necessary musical instruments furnished.

CONCLUSION.

The Committee deem it a duty they owe to the State, and the unfortunate class of persons for whose benefit this exalted charity is dispensed, to recommend that liberal appropriations be made for the support of the Institution, and for procuring the furniture and improvements to which we have alluded in this report, that the Institution may be an honor to the State and a blessing to those who, being deprived of the light of Heaven, may, through the means thus furnished by the fostering care of the State, have their minds released from the prevailing darkness, and their fingers taught the curious handicraft that will make them useful members of society, and afford them the means of procuring for themselves a comfortable support.

Such a charity should not be dispensed with a parsimonious hand.

All of which is respectfully submitted.

D. G. GOODRICH,
C. CLOSE,

On the part of the House.

H. C. HENDERSON,
On the part of the Senate.

Mr. Sherman moved that the House do now adjourn.

The motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, March 1, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. J. A. Nash.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked :

Senate File No. 42, A bill for an act for the transfer of real estate, to regulate the assessment thereof, and facilitate the collection of revenue.

JAMES M. WEART, Ass't Secretary.

By leave, Mr. Holden presented two petitions from citizens of Washington county, asking for the repeal of the Prohibitory Liquor law, which was referred to the Committee on Suppression of Intemperance.

Mr. Holden presented a petition from R. Dewey and others, citizens of Washington county, asking for an increase in the fees of Sheriffs, which was referred to the Committee on Compensation of Public Officers.

Mr. Gamble presented a remonstrance from W. B. Young and others against the repeal of the Prohibitory Liquor Law, which was referred to the Committee on Suppression of Intemperance.

Mr. Bereman presented a similar remonstrance from the Society of Friends of Henry county, which was referred to the same Committee.

Mr. Flanders presented a resolution adopted by the City Council of Burlington, asking for a change in the present liquor law, which was referred to the same committee.

Mr. Gaylord presented petitions from John Howard and others, citizens of Floyd county, asking for legislation compelling the McGregor Western Railroad Company to build certain lines of road in Floyd county, which was referred to the Committee on Railroads.

Mr. Hand presented a remonstrance from D. P. Russell and others, citizens of Humboldt county, against the resumption of the lands granted to the Dubuque & Sioux City Railroad Company, which was referred to the same committee.

Mr. Clark presented a petition from L. B. Nelson and others, citizens of Tama county, asking for an increase of Sheriff's fees, which was referred to the Committee on Compensation of Public Officers.

Mr. DeForest presented a petition from O. A. Patterson and others, citizens of Johnson county, asking for an increase in the fees of Justices of the Peace, which was referred to the same committee.

Mr. McPherson presented petitions from Nathan Hill, C. P. Gilbert, and others, citizens of Guthrie county, asking for the passage of an act to restrain stock from running at large, which was referred to the Committee on Agriculture.

Mr. Brown, of Van Buren, presented a petition from Rev. F. F. Henderson and others, citizens of Jefferson county, praying for a compulsory system of education in our common schools, which was referred to the Committee on Schools.

Mr. West presented a petition from Enoch Dorrs and others, citizens of Henry county, asking for a change in the law with reference to school districts, which was referred to the same committee.

Mr. Gaylord presented a petition from the bar of Floyd county, asking for the establishment of a Law Department to the State University, which was referred to Committee on State University.

Mr. Holmes presented a similar petition from the bar of Waverly, Bremer county;

Mr. Dudley, from the bar of Ottumwa, Wapello county;

Mr. Griffith, from the bar of Indianola, Warren county;

Mr. Crawford, from the bar of Quincy, Adams county;

Mr. Huggins, from the bar of Montgomery county;

Mr. Crawford, from the bar of Ringgold county;

Mr. McPherson, from the bar of Cass county;

Mr. Sipple, from the bar of Fremont county;

Mr. Landes, from the bar of Clarke county;

Mr. Brown, of Madison, from the bar of Madison county;

Mr. Hale, from the bar of Mills county; which were referred to the Committee on State University.

Mr. McNutt, from the Committee on Printing, presented the bill of C. S. Wilson, for translating and printing the Governor's Message and Inaugural Address into the Holland language, amounting to \$129.50, which was referred to the Committee on Claims.

Mr. Flanders moved that the vote by which House File No. 205, "A bill for an act to legalize and regulate sale of intoxicating liquors," was laid on the table, be reconsidered.

The motion did not prevail.

The Speaker submitted the following communication from the Secretary of State:

STATE OF IOWA, OFFICE OF SECRETARY OF STATE, }
DES MOINES, March 1, 1866. }

HON. ED WRIGHT, *Speaker, &c.*:

I have the honor to herewith transmit to the House of Representatives the reports of the various Railroad Companies received at this office since the adjournment of the 10th General Assembly.

I am, sir, yours truly,

JAMES WRIGHT, Sec'y State.

The reports were received, and referred to the Committee on Railroads.

Benj. Van Sternburgh, 2d Assistant Clerk of the House, was excused from attendance in consequence of illness.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

I am directed to inform your Honorable Body that the Senate has ordered printed the usual number of copies of the report of the Special Committee appointed to visit the State Penitentiary.

Also, the usual number of copies of the report of the Special Committee appointed to visit the Blind Asylum.

Also, one thousand copies of the report of the Special Committee appointed to visit the Soldiers' Orphans' Home.

J. W. DIXON, Secretary of Senate.

INTRODUCTION OF BILLS.

Mr. Wilson of Dubuque, introduced House File No. 224, A bill for an act to repeal an act entitled an act authorizing general banking in the State of Iowa, which was read a first and second time and referred to the Committee on Banking.

Mr. Wilson of Dubuque, introduced House File No. 225, A bill for an act entitled an act to incorporate the State Bank of Iowa, and to enable it to wind up its affairs, which was read a first and second time and referred to the Committee on Banking.

Mr. West introduced House File No. 226, A bill for an act to amend Section 29, of Chapter 172, of the acts of the Ninth General Assembly, authorizing the formation of Sub-Districts in certain cases, was read a first and second time and referred to the Committee on Schools.

The Committee on Ways and Means introduced House File No. 227, A bill for an act to provide for the payment of Bonds of the State maturing January, 1868, and July 1, 1881, which was read a first and second time, ordered printed, and made a special order for Wednesday, March 7.

Mr. Barker introduced House File No. 228, A bill for an act to amend Chapter 100, of the Revision of 1860, relating to the estate of decedents, which was read a first and second time and referred to the Committee on Judiciary.

Mr. Gaylord introduced House File No. 229, A bill for an act to provide for the erection and management of town Halls, which was read a first and second time and referred to Committee on Township and County Organization.

Mr. Gaylord introduced House File No. 230, A bill for an act to provide for the orphans of the soldiers who perished in the service of the United States during the great rebellion, which was read a first and second time, ordered printed and referred to select Committee to consist of Messrs. Gaylord, Williams of Des Moines, Safely, Maxwell, Glasgow, and Dudley.

Mr. Fellows introduced House File No. 231, A bill for an act prescribing the manner in which incorporate cities and towns may

dissolve their articles of incorporation, which was read a first and second time and referred to the Committee on Incorporation.

Mr. Van Leuven introduced House File No. 232, A bill for an act to regulate assessments of property in certain cases, which was read a first and second time.

Referred to the Committee on the Judiciary.

Mr. Dashiell introduced House File No. 233, A bill for an act to amend Section 1577, of the Revision of 1860, to compel witnesses to testify in certain cases, which was read a first and second time and referred to Committee on Suppression of Intemperance.

Mr. Dashiell introduced House File No. 234, A bill for an act to amend Chapter 100, of the Revision of 1860, in relation to the descent and distribution of the estate of persons dying intestate, which was read a first and second time and referred to Committee on Judiciary.

Mr. Safely introduced House File No. 235, A bill for an act to encourage the cultivation of live hedge fences, which was read a first and second times and referred to the Committee on Agriculture.

Mr. Van Leuven introduced House File No. 236, A bill for an act to encourage the manufacture of cotton and woollen goods in the State of Iowa, which was read a first and second time and referred to the Committee on Domestic Manufactures.

Mr. McLaughlin introduced House File No. 237, A bill for an act to provide when snits may be brought in Justice Courts and to repeal Section 3851 and 3852 of the Revision of 1860, which was read a first and second times and referred to the Committee on Judiciary.

Mr. Walden introduced House File No. 238, A bill for an act to provide for the relief of George Shadd, was read a first and second times and referred to the Committee on Printing.

Mr. Comfort introduced House File No. 239, A bill for an act allowing sheep to run at large, which was read a first and second times and referred to Committee on Agriculture.

Mr. Wilcox introduced House File No. 240, A bill for an act to define the duties of railroads in the transportation of freight, which was read a first and second times and referred to the Committee on Commerce.

Mr. Thacher introduced House File No. 241, A bill for an act to amend Sec. 3 of Chap. 173 of the acts of the Ninth General Assembly, which was read a first and second times and referred to Committee on Compensation of Public Officers.

By leave, Mr. Martin presented the following report from the Select Committee:

Your Committee, to whom was referred a joint resolution pledging the State to quiet and confirm the titles made by the State to settlers upon the Des Moines River lands and the 500,000 acre grant approved Sept. 4th, 1861, or to fully indemnify its grantees

to the full value of their lands in case their titles fail, have had the same under consideration and instructed me to recommend its adoption.

W. C. MARTIN, Chairman of Com.

Mr. Martin moved to make the joint resolution the special order for next Tuesday at 10 o'clock, which motion prevailed.

Mr. Rogers moved that House File No. 21, A bill for an act amendatory to an act to provide for the loan of the Permanent School Fund, fixing the rate of interest thereon, and limiting the price at which school land may be sold, and for other purposes, passed by the 10th General Assembly of the State of Iowa, be printed and made the special order for next Wednesday at 10 o'clock, which motion prevailed.

Mr. Hale moved to take up House File No. 189, A bill for an act relating to the transcribing, indexing and distribution of the journals of the Senate and House of Representatives. Carried.

Mr. Finkbine moved to recommit the bill with instructions to the committee to report a general bill on the subject.

Mr. Fellows moved to lay the whole subject on the table, which motion prevailed.

The House resuming consideration of House File No. 96, A bill for an act to amend Section 710, Chapter 45, and Section 312, Chapter 22, of the revision of 1860, and the question being on Mr. Close's motion to amend the amendment by striking out "two," and inserting "one," the same was lost.

The question recurring on Mr. Dudley's motion to strike out "three" and insert "two," he demanded the yeas and nays, which were as follows:

The yeas were Messrs. Alcorn, Ballinger, Barker, Belt, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Carbee, Clark, Close, DeForest, Dudley, Emery, Finkbine, Flanders, Gary, Garrett, Godfrey, Griffith, Holden, Huggins, Linderman, Lowdon, McKean, Morgan, Olmstead, Palmer, Rogers, Rohlf, Russell, Ryan, Safely, Sherman, Thacher, Travis, Tisdale, Thomson, Van Leuven, West, Mr. Speaker—43.

The nays were Messrs. Abernethy, Abbott, Barnes, Bahl, Bolter, Brown of Decatur, Brown of Winneshiek, Buck, Burnett, Comfort, Conway, Crawford, Darwin, Dashiell, Dwell, Fellows, Fry, Gamble, Gaylord, Garber, Glasgow, Goodrich, Graves, Hale, Hand, Holmes, Joy, Knapp, Knox, Landes, Leffingwell, Maxwell, McPherson, McLaughlin, O'Brien, Poindexter, Runyan, Sapp, Serrin, Sipple, Tracy, Thorn, Walden, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—49.

Absent and not voting, Messrs. Martin, McNutt, McCullough, Mills and Wilson of Dubuque.

So the motion did not prevail.

Mr. Barker offered the following amendment, which was adopted: Strike out all of the first Section after the enacting clause, and

insert the following: "That subdivision 4 of Section 710 of the Revision of 1860 be amended so as to read as follows, to-wit: For making and repairing bridges not more than three mills on the dollar whenever the board of supervisors shall deem it necessary."

Mr. Barker offered the following amendment:

Strike out the second Section and insert the following: "Section 312 of the Revision of 1860 is amended by striking out the words two thousand and inserting instead thereof the words five thousand."

Mr. Dudley offered the following amendment to the amendment, which was adopted: "except the words in the third line of said part 23, Section 312: 'nor the purchase of real estate for county purposes.'"

Mr. Close offered the following amendment to the amendment, which was lost:

The Board of Supervisors shall in no case appropriate to exceed the sum of two thousand dollars, without such excess shall be petitioned for by at least one-third of the legal voters of each township in the county.

Mr. Bennett moved to recommit the bill with the amendment proposed to the Committee on Roads and Highways, which motion did not prevail.

Mr. Dudley moved to reconsider the vote by which his amendment to the amendment was adopted, which motion prevailed.

Mr. Gamble moved that the House adjourn, which motion did not prevail.

Mr. Morgan moved to postpone the further consideration of the bill until to-morrow morning. Lost.

The question recurring upon the motion by which Mr. Dudley's amendment to the amendment was adopted, he offered the following as a substitute:

"*Provided*, This power shall not apply to the purchase of real estate."

Mr. Abbott moved that the bill, with the proposed amendments, be referred to a select committee of three, of which Mr. Barker should be chairman, which motion prevailed; and the Speaker announced the committee as follows: Messrs. Barker, Garber, and Dudley.

Mr. Sapp moved that when this House adjourn it be until to-morrow morning at 10 o'clock.

The motion prevailed.

Mr. Ryan presented the following report from the Committee on Enrolled Bills:

MR. SPEAKER:—I have the honor to report that your Committee on Enrolled Bills have examined House File No. 69, and find it correctly-enrolled, and have instructed me to present the same for your signature.

D. RYAN, Mem. Com. on Enrolled Bills.

Mr. Hale moved that the House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, {
DES MOINES, March 2, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Winans.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked :

Senate Substitute for House File No. 166, A bill for an act to fix the time of holding courts in the Ninth Judicial District.

I also return herewith Memorial and Joint Resolution asking Congress to grant the same aid to the Iowa branch of the Union Pacific Railroad as has been granted to the Kansas branch of the same road, it having passed the Senate without amendment.

JAMES M. WEART, Ass't Secretary.

By leave Mr. Sapp introduced House File No. 242, A bill for an act concerning the relation of guardian and ward, which was read a first and second time, ordered printed, and referred to the Committee on the Judiciary.

Mr. Wilson of Dubuque moved that the House take up the Senate Substitute for House File No. 166, A bill for an act to change the time of holding courts in the Ninth Judicial District, which motion prevailed.

Ordered, that the bill be read a third time.

Mr. Wilson moved that the rule be suspended and the bill read a third time now. Carried.

On the question "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Beremen, Bennett, Boomer, Brown, o' Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand Holmes, Holden, Huggins, Joy, Knox,

Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Wineshiek, Mr. Speaker—94.

The nays were, none.

Absent or not voting, Messrs. Bolter, Knapp and Serrin—3.

So the bill passed and the title was agreed to.

Mr. Hale from the Committee on Constitutional Amendments, by leave presented the following report, and asked that the resolution with the amendments recommended by the Committee, the bill (House File No. 138) providing for submission to a vote of the people, and the report of the Committee, be printed, which was granted:

MR. SPEAKER:—Several resolutions proposing amendments to the Constitution of the State of Iowa have been referred to the Committee on Constitutional Amendments. These resolutions relate to the questions of striking the word "white" from the article on suffrage, from the section requiring enumeration of the inhabitants to be made at certain periods by the General Assembly, from the section providing for the apportionment of the inhabitants among the several Senatorial Districts, from Section 1 of Article 6 of the Constitution, which now restricts the militia to the white male citizens of the State, and from Section 34 of Article 3, which provides for fixing by law the number of Senators according to the number of white inhabitants in the State. Also, for striking out the words "citizens of the United States" from Section 1 of the article on suffrage, and inserting instead thereof the word "person."

From the multiplicity of these resolutions, coming as they do from gentlemen representing the various portions of the State, your committee felt inclined to give them the most patient consideration.

It is useless that we should pause now to discuss the merits of these several propositions, or to even express an opinion, inasmuch as our action whatever it may be, will be referred to our successors, and by them to the people, the source of all political power, for their approval or rejection. It is enough for us to know that a considerable number of our fellow-citizens are favorable to such changes, or some of them, in our fundamental law as above specified. That there is a respectable number, if not indeed a large majority, of all the electors of the State favorable to such changes, or some of them, no intelligent man can reasonably deny in the face of all the avenues open to the ascertainment of the public will. Your committee recognizes it as a fundamental principle that

when a respectable minority of the electors of the State desire a change in our Constitution, it would be magnanimous as well as eminently proper and right that the majority should grant them the privilege of expressing their views on the subject of such change by means of the ballot. If the proposed change should meet with the approval of a majority of our citizens when submitted for their decision, then, according to our theory of government, it would be right, for the will of the majority is right, since we have all agreed that it shall be the rule. If the proposed change should be rejected when submitted to the people for their decision, no possible harm could be done in ascertaining that result, since it is attended with no expense.

The Committee on Constitutional Amendments has therefore instructed me to report these resolutions back to the House, with a recommendation that the one accompanying this report be adopted, with the amendment herewith proposed by your committee. The general idea embodied in this amendment is included in a resolution referred to your committee, which is herewith reported back to the House. This amendment contemplates the disfranchisement of all persons who have borne arms or who may hereafter bear arms against the authority of the United States or of this State, of all persons who have been or may hereafter be guilty of the crime of treason against the United States or of this State, and all persons who absconded or may hereafter abscond to avoid any conscription, draft or military duty due the United States or this State; and it also provides for the enforcement of its provisions by the General Assembly. The provisions of this amendment are eminently just in themselves, and due the soldiery of Iowa and their posterity as a just rebuke to those who vainly attempted to destroy the fairest, freest, and best Government the world has ever seen. It is the least punishment that those who gave or may hereafter give their aid to rebellion or insurrection to the Government of the United States, and may, in a just sense, be said to be magnanimous on the part of the loyal people of Iowa.

WM. HALE, Chairman.

RESOLUTION BY MR. DARWIN—A PROPOSAL TO AMEND THE CONSTITUTION OF THE STATE OF IOWA.

Be it resolved by the General Assembly of the State of Iowa, That the following amendments to the Constitution of the State of Iowa are hereby proposed :

1. Strike the word "white" from Section 1 of Article 2 thereof.
2. Strike the word "white" from Sec. 33 of Article 3 thereof.
3. Strike the word "white" from Sec. 34 of Article 3 thereof.
4. Strike the word "white" from Sec. 35 of Article 3 thereof.
5. Strike the word "white" from Sec. 1 of Article 6 thereof.
6. Strike the words "citizens of the United States" from Sec-

tion of Article 2 thereof, and insert instead thereof the word "person."

AMENDMENT PROPOSED BY THE COMMITTEE.

Add to Section 5 of Article 2 the following words: "Nor shall any person who has been or may hereafter be guilty of treason against the United States or this State, nor any person who has absconded or may hereafter abscond for the purpose of avoiding any military conscription or draft ordered by the authority of the United States or this State, be entitled to the privilege of an elector, or qualified to hold any office under the Constitution and laws of this State. In order that the provisions of this section may be effectually enforced, the Legislature may by law prescribe a suitable oath to be taken under such limitations as it may deem proper, by persons offering to qualify for office or to vote, to the effect that they are not subject to the disabilities of this section."

MR. SPEAKER:—The Committee on Constitutional Amendments, to whom was referred House File No. 138, A bill for an act to provide for due reference and publication of proposals to amend the Constitution of the State of Iowa, has had the same under consideration, and they have instructed me to report the same back to the House with the following amendment, (insert in the blank left in the bill,) "one newspaper in each Congressional district," with a recommendation that the same be passed.

WM. HALE, Chairman.

Mr. Barker was granted time to prepare a minority report on the same subject.

By leave Mr. Burnett presented the following report, which was laid on the table:

To the General Assembly of the State of Iowa:

Your Committee appointed to visit the Iowa Soldiers' Orphans' Home, beg leave to report the following:

That on the 13th and 14th of February, 1866, they visited the Home, or a branch of the same, situate at Cedar Falls, in Black Hawk county, on the Dubuque and Sioux City Railroad, one hundred miles west of Dubuque.

This branch of the Institution was commenced on the 28th of September, 1865, with five soldiers' orphan children and has continued to increase and prosper to this time, and now has under its care, one hundred and two such orphans, from the following named counties:

Benton.....	13
Black Hawk.....	20
Butler.....	9
Clayton.....	19
Cerro Gordo.....	2

Delaware.....	8
Dubuque	4
Floyd.....	3
Fayette.....	4
Hardin	3
Jackson.....	4
Marshall.....	3
Mahaska.....	2
Pottawattamie.....	1
County not known.....	7

Total..... 102

This branch is under the management of Arther Morrisson as Superintendent, and Mrs. E. G. Platt, as Matron. Besides these there are one male and nine female employees; of these the pay is now as follows:

Superintendent, per month.....	\$ 83½
Matron, per month.....	50
Steward, per month.....	20
First teacher, per month.....	20
Music teacher, per month.....	20
Seamstress, per month	14
Two employees, each \$12 per month.....	24
Four employees, each \$10 per month.....	40

Whole amount for employees per month.....\$ 271½

Or the gross amount per year of.....\$3,256

The gross expenditures of this branch for the month of January, 1866, was \$872.33, on an average of about ninety orphans, which is at the rate of a little over \$100 per head, per year.

The building occupied by this Home was originally built and used as a hotel. The front part is built of brick, 30 by 62 feet, three stories with two projections from the rear, 28 by 40 feet, two stories and built of wood.

This building is upon Main street in the city of Cedar Falls, upon a plat of ground 8 by 16 rods, extending in the rear of the building. There is upon this plat of ground another brick building 32 by 40 feet, two stories high, not now occupied by the Home, but will be. These premises are all now rented by the Home corporation for the term of three years for \$1,100, \$700 of which may be expended on the premises in repairs and improvements, and about two years rent is already paid in this manner.

This building is not the most conveniently arranged for this purpose; nevertheless, it serves a good purpose. Many of the rooms are furnished in a good, plain, comfortable manner by the ladies and Societies of Black Hawk and surrounding counties. Others are furnished equally well by the institution, much of the furniture, particularly the beds and bedding, being that once belonging to

the Government and donated in part to the Home for this purpose.

This branch can accommodate when the building and rooms are all prepared and furnished about 150 children.

It is the rule of this Home to receive orphans from four to fifteen years of age, though this rule is frequently varied in those cases where the child has lost both parents.

The children at this Home will compare favorably with an equal number of children gathered promiscuously anywhere. They are all plainly, but comfortably clad, and in appearance, are bright and cheerful, and happy. We found none sick, and there have been no deaths at this Home. We believe this institution is well conducted and very successful. We find among the citizens of Cedar Falls, a very friendly and sympathetic feeling toward this branch of the Home, and an earnest desire that it may be continued and supported at that place. Constant applications are coming in for places, and from the best information we can gather, the institution will be filled to its utmost capacity in six months to come.

There is an excellent school connected with this institution, conducted by a teacher with whom one of your Committee has been personally acquainted for the last five years, and knows her to be superior in this capacity. All children that are old enough are required to attend school, and on the Sabbath the Sabbath school and church. They are allowed to attend the church where the parent or guardian prefers.

Your Committee further report that on the 20th and 21st of February, they visited the Home at Davenport, in Scott county.

This Home embraces what was formerly Camp Kinsman with all its buildings, and thirty-three and one-half acres of ground. The buildings are situated in the form of a hollow square. What was the officers' headquarters upon the east side of the square, is occupied and used by the Superintendents and some other officers of the institution and for store rooms. At the right and left of this across the north and south side of the square, are eighteen buildings now called cottages, and occupied by the children. Since the Camp has been occupied as a Home, the cottage buildings have been partitioned and lathed and plastered, and are now very comfortable. Each of 18 of these cottages is occupied by about 28 children and a cottage manager. They are nearly uniform in their arrangement inside, having a sitting room with fire, a bed room for manager, a clothes press for their garments, and one large sleeping room. Some are occupied by boys, others by girls exclusively. These buildings are all built of good pine lumber, with first quality pine shingle roof on each.

On the west side of the square are situated twenty-four well built and spacious buildings, formerly used as stables, not now in use at all, but may be renovated and fitted up as cottages, should occasion ever require. In the south-west of the square is the spacious room formerly occupied as a drill room, 50 by 100 feet,

now fitted up, finished and furnished as a dining hall, supplied with seventy-five tables and other suitable furniture, where all the children and managers together take their meals. And following the rear and outside of this Hall, is an extensive kitchen and kitchen arrangements and a complete bakery, and further on a laundry, a drying room, and an ironing room, all conveniently and well arranged. In the south-east of this village of cottages and other buildings at a distance of from twenty to thirty rods are four good and well fitted school rooms in one building, with schools in operation under competent and experienced teachers.

There are now at this House, 331 soldiers' orphans. Of these 38 are over 13 years of age, between 10 and 13 years, 63 children, the remainder under 10 years.

These children are from various counties, as follows :

Appanoose	16
Boone	4
Clinton	13
Muscatine	22
Clark	3
Carroll	3
Dallas	3
Des Moines	3
Decatur	8
Davis	18
Fayette	3
Clayton	1
Green	2
Henry	11
Jones	15
Johnson	11
Jasper	20
Jackson	6
Jefferson	12
Keokuk	6
Lee	7
Linn	17
Louisa	1
Mahaska	11
Madison	2
Marion	11
Monroe	4
Polk	30
Pottawattamie	1
Poweshiek	6
Scott	6
Story	4
Union	4
Van Buren	5

Wappelo.....	9
Warren.....	2
Washington.....	4
Wayne.....	11

From fifteen to twenty have been received since this report was made by counties, and the number is constantly increasing.

This Institution is now under the management of Rufus Hubbard as Superintendent, and Mrs. L. B. Ely as Matron, and forty other employees, with pay as follows:

Superintendent, per month.....	\$100.00
Matron, per month.....	50.00
First teacher, per month.....	25.00
Three teachers, at \$20 per month each.....	60.00
Fourteen cottage managers, at \$20 per mo. each.....	280.00
First seamstress, per month.....	25.00
Two seamstresses, at \$12 per month each.....	24.00
One in linen room, per month.....	15.00
Six in laundry at \$12 per month each.....	72.00
One baker, per month.....	50.00
One chief cook, per month.....	50.00
Two cooks at \$12 per month each.....	24.00
Two dish washers at \$12 per month each.....	24.00
One in dining room, per month.....	12.00
One commissary, per month.....	20.00
One water man &c., per month.....	20.00
One fireman, per month.....	30.00
One in kitchen per month.....	12.00
One night watch, per month.....	20.00
Five extra help at \$12 per month each.....	60.00

Whole expense for help per month.....\$ 973.00

Whole expense for help per year.....11,676.00

Your Committee found many of the inmates of this Institution suffering from measles, of which there were reported 130 cases, that the item of extra help is on this account. This disease has passed entirely through the Institution, and nearly all are now convalescent. At the time your Committee were visiting, only four cases had proved fatal. These children are said to have been weakly and sickly when they came to this Home. This is a much smaller percentage of deaths than occurs from this disease outside of the Institution, as reported by the physicians. Aside from measles, we report no cases of sickness. The best of care and the kindest attentions are bestowed by all concerned on these suffering children. The citizens of Davenport deserve commendation for their kindnesses in volunteering to nurse the sick. This Home property is now estimated at \$5,253; of this amount \$1,211 was paid for the land; \$16,542 for improvements. The balance was donated by the Government by Joint Resolution of Congress. Of

this we are assured by correspondence of Hon. Hiram Price. The land was deeded in fee to the Association by private individuals, and properly evidenced by title deeds and records. The removal of this home from Farmington, late in Fall and early part of Winter, and fitting up at this place, was attended with extraordinary expenses which will not again occur. The capacity of this Institution may be extended to about one thousand children by fitting up all the buildings now on the premises. Applications are quite frequent for places for orphans at this Institution, and it is estimated by your Committee, that in the course of this year, the number at this Institution will reach at least 450 or 500 orphans. And here as at Cedar Falls, it is estimated that \$100 per head per annum, is as small an amount as will feed, clothe and educate each child. On this estimate they will have at both these Institutions within the next year 600 orphan children, at an estimated expense of \$60,000 or \$65,000. The available means, as reported, of the corporation, is about \$37,400, and \$40,000 in subscriptions, that they hope to collect; \$2,223 in cash; that additional subscriptions and donations are now very difficult to obtain, and that as a private enterprise, this Institution cannot be maintained much if any to exceed another year. The question then arises shall the Institution be suffered to go down?

Your committee beg leave to say that as a general rule they have found the institution well and systematically managed; that these orphans are cheerful, happy and contented—and on this point your committee made special inquiry and investigation; that all those who are old enough and able, are required to assist in the work of the institution; that they are all required to attend day school, Sabbath School and religious services. The four school-rooms at this Home are so arranged that on the Sabbath they can be opened into one room, where religious services are held. That in the opinion of your committee the great majority of these children are better cared for and under better influences than ever before, or than they would be again were they turned out upon the world; that as they are the children of our illustrious dead; that as they are the children of those who saved us and our country, it is our privilege and duty, and ought to be our pleasure, to save them from sin, from ignorance and from vice, and make them the brightest ornaments of society; and to this end we believe the State should lend a helping hand, that this noble institution should not now be suffered to fall into decay, but that the whole property of the State should be taxed in some judicious manner for its support.

Your committee would further report that they find the "Soldiers' Orphans' Home" under the control of a private corporation styled "The Iowa Soldiers' Orphans' Home," of which the following are the officers:

President—Hon. C. C. Cole.

Vice Presidents—Hon. R. P. Lowe, Hon. J. A. Parvin, Hon. Wm. Vandever, Mrs. J. Meyer, Hon. J. W. Cattell, Hon. P. Melendy.

Corresponding Secretary and General Agent—Rev. P. P. Ingalls.
Recording Secretary—Mary Kibben.

Treasurer—B. F. Allen.

Board of Trustees—1st Dist., Mrs. C. B. Darwin, Mrs. Annie Wittenmeyer; 2d Dist., Hon. Hiram Price, Mrs. L. B. Stevens; 3d Dist., Hon. J. A. Elliott, Hon. Z. D. Scoby; 4th Dist., Hon. J. R. Needham, Mrs. N. H. Brainard; 5th Dist., Hon. Jas. Wright, Hon. T. H. Benton; 6th Dist., Hon. G. M. Woodbury, Hon. Isaac Pendleton.

With this report we submit a copy of the Articles of Incorporation, and its by-laws, for the information of the General Assembly on the subjects contained in the same.

At the last meeting of this association a committee was appointed consisting of the Judges of the Supreme Court, with Judge Woodward, to confer with this General Assembly on the subject of State appropriations for the benefit of the Home; and we are assured by said committee that the association will accede on their part to all reasonable requirements of the legislature in regard to the management of the funds or the conduct of the association; should they see proper to make an appropriation; that they will be willing to concede to the State the choice of a majority of managing officers of the institution, and your committee are assured that no benefits accruing from any legislation on the part of the State is *sought* for or *expected* on the part of the association unless they shall comply with all the requirements and conditions that may be imposed. Your committee would suggest that should an appropriation be made, it be accompanied with a proviso that the same be not used until such association shall accept formally and officially of the conditions imposed, and in this manner we may be assured of the proper application of the funds. The officers of the association report to your committee that about \$32,000 has been subscribed for the purposes of this institution, and that there has been paid on such subscription the sum of about dollars. The moneys for this Association have been received by the General Agent, P. P. Ingalls, B. F. Allen, Treasurer, and by the Local County Treasurers in those counties where such Societies have been organized. The Treasurer is now absent from the State and your Committee are unable to ascertain and report the exact condition of the finances. Some moneys are yet in hands of county treasurers, and we are not able to ascertain this amount. All of these officers are reported to have given approved security as provided by the Association. The General Agent gives bonds in the amount of \$5,000; the Treasurer in the sum of \$50,000; Local Agents such bond as is required by Local Associations. These bonds are all conditioned for the faithful application of the fund

collected to the purposes of the Orphans' Home. The Treasurer receipts for all moneys received by him, and pays out the same on the order of the President, countersigned by the Secretary. To the Superintendent of the Home, money is paid on presentation of estimates approved by a Visiting Committee. Vouchers for all moneys expended are taken and filed in the office of the Secretary. The Superintendent is under bonds for the faithful application of all moneys and property in his hands; this bond in the sum of \$2,000, which, in the judgment of your Committee, is insufficient. We are assured, however, that measures are taken to raise the same to the sum of five thousand dollars.

The President, Trustees, Executive Committee, and Recording Secretary of this Association, are all without compensation. The only officer of the Association receiving pay is the General Agent and Corresponding Secretary. This officer informs your Committee that his expenses of travel and correspondence have been paid and that the amount of his salary is to be determined by the Trustees. No amount has ever been fixed. He only claims what is reasonable and just, in the judgment of the Trustees.

Your Committee are clearly of the opinion that the "Iowa Soldiers' Orphans' Home" is in good hands, and that it has been well and economically managed, and that its originators are its present managers and that they have proved themselves among the truest friends of humanity, and have enshrined their memories in the hearts of all the true friends of the soldier throughout our State.

Your Committee are decidedly of the opinion that this Institution should be sustained, and that the State should render assistance.

All of which is respectfully submitted, without further recommendation.

L. W. HART.
A. M. LARIMER.
R. M. BURNETT.
H. M. THOMSON.

By leave, Mr. Rogers presented a claim and report from Prof. James Hall, late State Geologist of the State of Iowa.

Mr. McNutt moved that the claim be laid upon the table, which motion prevailed.

Mr. Holden presented the following report :

MR. SPEAKER:—The Select Committee, to whom was referred House File No. 112, A bill for an act limiting the value of homesteads exempt from execution, having had the same under consideration, beg leave to report the accompanying substitute and recommend its passage.

HOWARD M. HOLDEN, Chairman.

Mr. Wilson, of Dubuque, presented the following minority report: The undersigned, a minority of the committee to whom was re-

ferred "A bill for an act limiting the value of homesteads exempt from execution," begs leave to make the following report:

The bill referred to the committee has been set aside, and a new bill substituted, the principal feature of which is, that it limits the value of the homestead from execution to \$5000. This substitute should not, in the opinion of the undersigned, become a law for these reasons, viz:

1. It seeks to change what has been the policy of the State almost ever since its existence as such, and to alter a system which the three last Legislatures of the State have, by large majorities, refused to disturb. The present law is intended to protect, and does protect families in some measure against want and misfortune, and, by its provisions, the homestead is not relieved from the payment of any money due from the occupant, which was expended in its purchase or execution, or any debt incurred on its strength or credit. The principle upon which it is founded, is that pecuniary embarrassment is less frequently the result of crime than misfortune, and that a man owes to his wife, who labors for him during the whole of her married life, and to helpless children whom he has been instrumental in bringing into the world, a comfortable home by way of provision against unforeseen misfortune. The homestead, under the present law, belongs to the family, and cannot be sold without the joint consent of the united head, and on the death of the father and mother it descends to the children, and one great object is to keep helpless families out of the poor house, and from becoming a charge to the county. The homestead law of this State is an inducement to industry and frugality, in making provision against accident, and it promotes the creation of what is desirable to us morally, socially, and as a nation—happy homes. It is believed that the existing statute has caused many persons to emigrate to Iowa, who, under the less liberal laws of other States, were unable to preserve homes, and that the blessings resulting from it have been far greater than the evils. No argument can be made against the homestead policy which cannot be made with greater force and propriety against the laws forbidding imprisonment for debt, insolvent and bankrupt laws, for the latter allow the debtor to hold property which is subsequently acquired as against debts incurred previous to his discharge, no matter how great may be the amount of such debts.

Judge Dillon, in his able treatise on Homesteads, published in the first volume (new series) of American Law Register, says: "The homestead policy has been characterized as "beneficent," (4 Cal. 23, 26,) "liberal, wise and benevolent," (1 Iowa 441, 512,) "humane in its character, &c., (28 Verm. 674.) The leading object of the homestead exemption is, of course, to protect and preserve the home—a home not for the husband alone, but for him "and his wife and children."—Floyd vs. Mosier, 1 Iowa 512, 6 Il. 30. "A place where they may live in society, beyond the reach

"of financial misfortune and the demand of creditors."—Per Baldwin J. in *Parsons vs. Livingston et al.* 11 Iowa 106; *Beecher vs. Baldy* 7 Mich. 506. "The beneficent provisions of the law are especially designed to guard the wife and children against the neglect, the misfortunes, and the improvidence of the father and husband."—*Cook vs. McChristian* 4 Cal. 23, 26. "And the children equally with the wife are within the benefits designed to be confirmed by the statute."—12 Cal. 327.

The homestead policy has also a *political* bearing; and in this view it has a broader range and other objects than the mere security of the husband and children against want. "The design," says the Supreme Court of Texas, "is to protect citizens and families not simply from destitution, but to cherish those feelings of independence so essential to the maintenance of free institutions."—*Franklin vs. Coffee*, 18 Texas, 413. The same idea was years before expressed and enforced by one of the most sagacious and able of American statesmen. Advocating in 1829, in the United States Senate, the adoption of a general homestead policy, Col. Benton said: "Tenantry is unfavorable to freedom. It lays the foundation for separate orders in society, annihilates the love of country, and weakens the spirit of independence. The tenant has, in fact, no country, no hearth, no domestic altar, no household god. The freeholder, on the contrary, is the natural supporter of a free government; and it should be the policy of republics to multiply their freeholders, as it is the policy of monarchies to multiply tenants."

2d.—It may be said that the bill recommended does not militate against this general policy, but merely limits the value to the sum of \$5 000; but the objections to this change are, that it prevents improvement and the beautifying of homesteads, as far as its possessors are able to do so, because, thereby, they might be driven out of it, and the associations of home broken up and destroyed. The old law encourages industry and enterprise; this new bill punishes these, and would compel industrious families to move from place to place, and offers a reward to laziness and unthriftiness.

3d.—By limiting the value of the homestead, the law operates unequally. A man living in a small village, or a sparsely settled community, can have a house more valuable than one living in the larger towns. So far as homesteads in cities are concerned, the ground upon which it is located is not, and cannot be, under the law, a source of profit; but on the other hand, the more valuable it is, the greater the taxation. Many mechanics and other business men can only pursue their vocations in large towns, and these men should have the same right and privilege to a homestead—the same kind of a domicile as any other; and in justice to them, the present law should be continued, or if a limitation be placed upon the value of the homestead, it should be a value exclusive of the land, for land fluctuates in value, and is affected by speculation.

It has been claimed by the advocates of this change, that our law is without a parallel in the statutes of other States, in the liberality of its provisions; but this is far from being the case. In the State of Kansas, and the Territory of Nebraska, 160 acres of land are exempted; in the State of Minnesota, 80 acres, and in Wisconsin, 40 acres. In all of these the value is without limit, and the exemption protects from all debts, whether previous or subsequent to the acquisition of the homestead; and it will be seen that the laws of these States are far more liberal than our own. It is believed that, had our law been as liberal as those of the States just mentioned, it would have caused many persons to settle here who have gone there.

But as it is, it has been a great inducement to emigration to our State, and contributed largely to improve and beautify it, and is most universally approved by the people, and as no petitions or other manifestation of the public will have been presented to either branch of the General Assembly asking for a change, we may well inquire whether this bill does not reflect the individual opinion of a few members of this body, rather than that of their constituents, or the people at large? The homestead system is a great measure of public policy, affecting every family in the State. If it were unacceptable, some expression of that would be made to this body, and we ought to ponder well whether we will or not, by suddenly changing the present arrangement of things deeply injure those who have confided to us power "for weal and not for woe."

The friends of this bill say that its adoption will compel men who live in valuable homesteads to pay their poor creditors. It is believed that the poorer classes of people constitute but a very small portion of such creditors, and these people will not be benefited by this bill, because that, before it shall finally become a law, most of their claims will be in the hands of those speculators who by watching the course of legislative proceedings, find out in advance what will be done, and thus prey upon the ignorance of others.

The present law having been upon the statute book so long without alteration or modification, all the important questions that ever can be suggested under its provisions, have been settled by the Supreme Court, after expensive litigation, and are so well understood, that the opportunities of taking advantage of others under it are much lessened.

The undersigned dissents from the report of the Special Committee in favor of this bill, but joins in the recommendation of the Judiciary Committee, that the present law should not be changed.

T. S. WILSON.

Mr. Sapp moved that the minority report and the majority report and the substitute be printed for the use of the House.

Mr. McKean moved to strike out "minority and majority report," which did not prevail.

The question recurring upon the original motion, the yeas and nays were demanded and were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Bennett, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Conway, Darwin, DeForest, Fellows, Finkbine, Gamble, Gaylor, Garber, Glasgow, Goodrich, Griffith, Hale, Holmes, Huggins, Knox, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McCullough, Mills, O'Brien, Poindexter, Rogers, Rohlf, Runyan, Sapp, Serrin, Sipple, Tisdale, Thomson, Van Leuven, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—44.

The nays were Messrs. Barnes, Belt, Bereman, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Clark, Close, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Flanders, Fry, Gary, Garrett, Godfrey, Graves, Hand, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Martin, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Russell, Ryan, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Thorn, West, Wilson of Dubuque, Wilson of Jackson, and Williams of Winneshiek—42.

Absent or not voting, Messrs. Brown of Madison, Brown of Van Buren, DeForest, Leffingwell, Martin, Mills, Poindexter, Serrin, Wilson of Dubuque, and Williams of Winneshiek.

By leave, Mr. Tisdale offered the following preamble and resolutions, which were adopted :

WHEREAS, On the 12th of May, 1864, the Congress of the United States passed an Act entitled "an Act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State; and

WHEREAS, The McGregor Western R. R. Co. has gone forward and constructed several sections, of ten miles each, of a railroad which is claimed to be in accordance with the terms of said act of Congress, and the Governor of this State has certified forty miles of said railroad to the Secretary of the Interior; and

WHEREAS, It is feared by the people living along the line of the route contemplated in said Act of Congress, that said McGregor Western R. R. Company may receive the lands to be patented to the State without fully complying with the provisions of said Act of Congress, and may exhaust the lands granted under said Act of Congress before they shall have finished said railroad to the point designated in said Act of Congress in O'Brien county, and leave the people with no guaranty or security for the completion of said railroad, as contemplated in said Act of Congress; and

WHEREAS, There is a bill pending in this House which aims to guard against said contemplated evils, and numerous petitions are

before this body asking for appropriate legislation in reference to said land grant and railroad; and

WHEREAS, Differences of opinion exist as to the authority this Legislature has in the premises, and how far it may control said lands before and after they are patented to the State; therefore,

Be it resolved by this House, That the Attorney-General of this State be requested to give his opinion as soon as possible on the following points, to-wit:

1. Is it necessary for the Legislature to accept the said railroad grant before exercising the authority given in Section 3 of said Act of Congress.

2. Does the authority given the Legislature of this State in the following words of Sec. 3 of said act, "that the lands granted shall be subject to the disposal of the Legislature of Iowa, for the purposes aforesaid," include the power to prescribe the kind of evidence on which the Governor shall certify to the Secretary of the Interior, and the manner in which the lands patented to the State shall be transferred to the Railroad Company.

3. Can the Legislature prescribe that the lands patented to the State under the provisions of said act of Congress, or any portion of said lands, shall be held by the State as security for the completion of said Railroad, to be transferred to the Railroad Company constructing the Railroad contemplated in said act, and claiming the benefits of said land grants, *only* on the *completion* of said Railroad to the point in O'Brien county as prescribed in said act of Congress, as a means of preventing the diversion of said lands from the object contemplated in said act.

4. Has this Legislature the power to appoint commissioners who shall certify to the Governor before he shall certify to the Secretary of the Interior, and to prescribe that the McGregor Western Railroad Company shall file an acceptance of the benefits and responsibilities of the said land grant in the office of the Secretary of State, which acceptance shall recognize the authority of the State to withhold from the said Railroad Company such portion of the lands to be patented to the State under the said act of Congress, as in its opinion will be sufficient to secure the *completion* of said road? This is not a full land grant. The lands will be exhausted before the road is more than half completed. Can the Legislature reserve a portion of the lands as security for the building of the whole of the road? Does not the said act of Congress contemplate the application of the lands by the Legislature, to the securing the construction of the *whole* of said road? Would it not be carrying out the provisions of said act of Congress, to transfer the lands to the Railroad Company *pro rata*, as the road is completed.

By leave, Mr. Barker presented the following report, accompanied by the substitute:

The committee to whom was referred House File 96, have had

the same under consideration and have prepared a substitute for the same, which they recommend be adopted.

W. T. BARKER, Chairman.

The substitute was adopted.

Ordered, that the bill be engrossed and read a third time.

The House resumed the consideration of bills on second reading.

Senate File No. 19, A bill for an act to repeal Sec. 2, Chapter 43, of laws of the 10th General Assembly, and Sec. 3 of Chapter 17 of the laws of the regular session of the 9th General Assembly, was considered, and the report of the committee to indefinitely postpone the bill was concurred in.

Senate File No. 2, A bill for an act to provide for the election of Township Collectors, and to define their powers and duties, was taken up.

Mr. Sherman moved that the bill be made the special order for to-morrow morning at 10 o'clock, which motion did not prevail.

Messrs. Crawford and Griffith were granted leaves of absence until Monday next.

On motion of Mr. Close the House adjourned.

2 O'CLOCK P. M.

House met pursuant to adjournment.

The House resuming the consideration of Senate File No. 2, A bill for an act to provide for the election of Township Collectors, and to define their powers and duties, Mr. Knox offered the following amendment: "Sec. 1st, insert in third line, after 'State,' 'except the township in which the county-seat is located.'"

The amendment was not adopted.

Mr. Sherman offered the following amendment, which was adopted:

"Strike out in fourth line, 12th section, 'by a two-thirds vote of the board' and insert 'by a two-thirds vote of all members elected to the board.'"

Mr. Crawford offered the following amendment, which was not adopted:

"Sec. 3, to strike out the first line and insert in lieu thereof the words 'the Township Trustees of each county.'"

Mr. Close moved to amend by striking out all after the enacting clause of the bill, and inserting the following:

Sec. 1. The board of supervisors shall at the request of any member of the board at the September meeting cause the county treasurer to appoint a deputy treasurer for such township, or townships, as the case may be, and such deputy shall qualify and give bond as now required by law.

Sec. 2. The deputy treasurer shall visit the township for which

he was appointed at some central point, in the month of January, for the purpose of collecting and receiving the taxes of that township; and shall before making such visit for the purposes aforesaid, cause to be posted in three public places in said township, notices of the time and place that he will meet those disposed to pay their taxes to him; and said deputy treasurer shall remain at such place for at least one day, and longer if necessary.

SEC. 3. Said deputy collector shall receive for such services two per cent. of the moneys he may collect, which two per cent. shall be in addition to all moneys levied for school, county and State purposes of the person from whom he may collect such taxes.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Mr. Gamble offered the following amendment, which was adopted:

"Amend Section 1, in the second line, by striking out '1866' and insert '1867.'"

Mr. West moved that the whole subject be laid upon the table.

Mr. Russell demanded a call of the House, which was ordered; and Messrs. Barker, Serrin, Godfrey, Leffingwell, Martin, McCullough, Sipple, Walden, Bolter, and Wilson of Dubuque, were reported absent.

Messrs. Serrin, McCullough, and Wilson of Dubuque, were excused on account of illness.

Mr. Brown, of Winneshiek, moved that further proceedings under the call be dispensed with, which motion prevailed.

The question recurring upon the motion to lay upon the table, Mr. Fellows demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Barnes, Barker, Bereman, Bennett, Bolter, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Finkbine, Flanders, Gamble, Gary, Garrett, Glasgow, Griffith, Hale, Hand, Holden, Huggins, Joy, Knox, Lands, Linderman, Lowdon, Martin, McCullough, Mills, Morgan, Rogers, Sapp, Safely, Sherman, Tracy, Thacher, Travis, West, Wilcox, Williams of Des Moines, Williams of Winneshiek—45.

The nays were Messrs. Abbott, Alcorn, Ballinger, Bahl, Belt, Boomer, Brown of Decatur, Brown of Louisa, Dudley, Fellows, Fry, Gaylord, Garber, Godfrey, Goodrich, Graves, Holmes, Knapp, Maxwell, McPherson, McNutt, McLaughlin, McKean, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Stockman, Tracy, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wright, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—42.

Absent or not voting, Messrs. Barker, Bolter, Crawford, Griffith, Martin, McCullough, Mills, Serrin, Sipple, Wilson of Dubuque—10.

So the motion to lay upon the table prevailed.

House File No. 61, A bill for an act to provide for the collection of taxes by Township Collectors, was taken up and considered.

Mr. Boomer moved that the bill be laid upon the table.

The motion to table prevailed.

House File No. 53, A bill for an act authorizing the employment of clerks in criminal prosecutions before Justices of the Peace, was taken up, and the report of the Committee that the bill be indefinitely postponed, was concurred in.

Mr. Darwin moved that the vote by which House File No. 27, A bill for an act to punish attempts to commit offenses prohibited by law was passed, be reconsidered, which motion prevailed.

The bill was referred to the Committee on the Judiciary.

House File No. 156, A bill for an act to amend Section 447, of the Revision of 1860, affixing a penalty upon Township Officers for refusing to qualify and serve, was taken up.

The House refused to order the bill engrossed.

Senate File No. 44, A bill for an act changing the corporate name of Independent School District Townships, was taken up.

Ordered that the bill be read a third time.

House File No. 179, A bill for an act to amend Section 5, of Chapter 148, of acts of the Ninth General Assembly, entitled an act for the better protection of the school fund, was taken up and considered.

The House refused to order the bill engrossed.

Senate File No. 105, A bill for an act to legalize certain official acts of Elias Topliff, and for the relief of the Administrators of the estate of said Topliff, and of their grantees, was taken up.

Ordered that the bill be read a third time.

Mr. Fellows moved that the rule be suspended and the bill be read now, which prevailed, and the bill was read a third time.

Upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Lonisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiak, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Maxwell, McPherson, McLaughlin, McKean, Morgan, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Jackson, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiak, Mr. Speaker

—87.

Absent or not voting, Messrs. Ballinger, Barker, Polter, Lefingwell, Martin, McNutt, McCullough, Mills, O'Brien, and Wilson of Dubuque—10.

So the bill passed and the title was agreed to.

Mr. Ryan presented the following report from the Committee on Enrolled Bills :

I have the honor to report that your Committee on Enrolled Bills have received from Senate Committee on Enrolled Bills Senate File No. 87, An act to amend Section one of Chapter 128 of the acts of the Tenth General Assembly, and 117, An act to amend Chapter 9 of the laws of the Eleventh General Assembly. Also a memorial asking a grant of land to aid in the construction of the Iowa Central Railroad, and a Joint Resolution in relation to land grants to the State of Iowa to aid in the construction of Railroads, reported by said Senate Committee as correctly enrolled, which I am instructed to present for your signature.

D. RYAN, Mem. Com. on En. Bills.

House File No. 181, A bill for an act to amend Section 3 of Chapter 118 of the Acts of the Tenth General Assembly, relating to the School Fund, was taken up and considered.

Mr. Finkbine moved that the bill be indefinitely postponed, which motion prevailed.

House File No. 118, A bill for an act to provide for the publication of general laws, and the proceedings of Boards of Supervisors, was taken up and considered.

The report of the Committee was concurred in.

Ordered that the bill be engrossed and read a third time.

House File No. 145, A bill for an act apportioning the State of Iowa into Representative Districts, was taken up and considered. Mr. Williams of Des Moines moved to amend by striking out in Section 8 the word "two" and inserting "three." Lost.

Mr. Dashiell moved to strike out of Section 12, the word Monona, and insert Monroe. Carried.

Mr. Dashiell moved to strike out in Section 57 the word "is" and insert "are." Lost.

Mr. Finkbine moved to strike out in Section 58 the words "Plymouth and Clay," and insert "Buena Vista and Cherokee." Carried.

Mr. Tisdale moved that the word "is" in the several sections of the bill be stricken out and the word "constitute" inserted in lieu thereof. Lost.

Mr. Finkbine moved that the word "Kossuth" be stricken out of Section 59 and the word "Clay" inserted in lieu thereof. Carried.

Mr. Joy moved to strike out the word "Hancock" and insert the word "Kossuth" in Section 60. Carried.

Mr. Joy moved that the words "Cherokee and Buena Vista"

be stricken out and the words "Sac and Plymouth" inserted in Section 61. Carried.

Mr. Finkbine moved that the word "Humboldt" be stricken out of Section 62, and the word "Hancock" inserted. Carried.

Mr. Joy moved that the word "Sac" be stricken out of Section 63, and the word "Humboldt" inserted. Carried.

Mr. Huggins moved to strike out the word "Union" in Section 66, and that the bill be recommitted with instructions to form a new disirict in the western part of the State including Union county.

Mr. Clark moved to amend by striking out the instructions, which did not prevail.

The question recurring upon the motion to refer with instructions, it was lost.

Mr. Sherman moved to strike out the word "Union" in Section 66, and that Union county be added to the 13th District. Carried.

Ordered, that the bill be engrossed and read a third time.

Mr. Finkbine moved the House do now adjourn, which prevailed and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, March 3, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Geiger.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked:

House File No. 90, A bill for an act to amend Section 10 of Chapter 22 of the Acts of the 10th General Assembly, with the following amendment added thereto, viz:

SEC. 2. This act being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and Iowa Homestead, newspapers published at Des Moines, Iowa.

JAMES M. WEART,
Assistant Secretary.

Mr. Safely moved that the vote by which Senate File No. 2, A bill for an act to provide for the election of Township Collectors, and to define their powers and duties, was laid upon the table, be reconsidered.

Mr. Sapp moved that the motion to reconsider, be laid upon the table. Upon which question Mr. Russell demanded the yeas and nays, which were ordered as follows:

The yeas were Messrs. Abernethy, Barnes, Bereman, Bennett, Brown of Decatur, Brown of Madison, Brown of Van Buren, Clark, Close, Conway, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Gamble, Gary, Garrett, Glasgow, Godfrey, Hand, Holden, Huggins, Joy, Knox, Landes, Linderman, Lowdon, Morgan, Rogers, Sapp, Tracy, Thacher, Travis, West, Wilcox, Williams of Des Moines, Williams of Winneshiek—41.

The nays were Messrs. Alcorn, Ballinger, Barker, Bahl, Belt, Boomer, Bolter, Brown of Louisa, Brown of Winneshiek, Buck, Carbee, Comfort, Fellows, Fry, Gaylord, Garber, Goodrich, Holmes, Knapp, Leffingwell, Martiu, Maxwell, McPherson, McLaughlin, McKean, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Ruuyan, Russell, Ryan, Safely, Sipple, Stockman, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—45.

Absent and not voting, Messrs. Abbott, Bennett, Crawford, Graves, Griffith, Hale, McNutt, McCullough, Mills, Serrin, Sherman.

So the motion to table the motion to reconsider did not prevail.

Mr. Safely moved that the motion to reconsider be postponed until Friday next at 10 A. M. Lost.

Mr. Hand moved the previous question, which was not seconded.

Mr. Flanders was granted leave of absence until Thursday next.

By leave, Mr. Burnett presented the report of the Committee appointed to visit the Insane Asylum, which was laid upon the table.

Your Committee appointed in pursuance to the following Joint Resolution:

Resolved by the House of Representatives, the Senate concurring, That there be a committee of two members on the part of the House, and one on the part of the Senate, to visit the Insane Asylum at Mt. Pleasant, Iowa, and examine into its condition and wants, and report by the — day of February next," beg leave to submit the following report:

Your committee have visited the Hospital for the Insane, located at Mt. Pleasant, and examined the same with care and minuteness, and cannot speak in too high terms of the condition of the institution. It is in a state of perfect cleanliness from basement to attic,

and apparently conducted with the most thorough system and order, in all its various wards and departments.

The rules and regulations, while necessarily very strict, are marked with the utmost kindness, and the treatment of the patients is all their friends could ask or desire. The general health of the unfortunate inmates is good and none so insane as to require constant close confinement. The culinary department is conducted in a very satisfactory manner; and the diet served up to the inmates healthful and palatable. There are now in the hospital three hundred and eight patients, exhibiting almost all phases of mental derangement, yet there is quite a general feeling of contentment, with but little complaining, which must be attributable, in a great degree, to the successful effort to make their stay as pleasant and agreeable as possible.

The building is in good condition with the exception of a few indications of settling in the foundation, which seem to be caused in part by the use of bad material in its construction, and by water following down and penetrating the wall. Some of the stones are crumbling away, apparently from incessant moisture. Your committee fully concur in the recommendation of the Board of Trustees, that some measures must be immediately taken for the protection of the foundation wall, and think their suggestions as to the construction of a drain around the entire building at a proper distance from the wall, and of sufficient depth, would produce the desired result. If it is found insufficient, then the pavement recommended by Dr. Patterson might be easily added. This improvement must not be delayed, as the building has already suffered to some extent, and the appropriation of seven hundred dollars, asked for by the Board, for this purpose, is respectfully recommended.

The present method of lighting the institution is, in the opinion of your committee a very hazardous one and should be changed as soon as possible.

Accidents from the use of kerosene oil lamps are of too frequent occurrence, and too terrible in their consequences, to make it necessary to dwell on this point. We cannot contemplate without a shudder the results that might follow such an accident in this institution. The proposition contained in the report of the Board to introduce "Automatic gas apparatus," is, in the opinion of your committee, the only feasible plan for remedying this evil, at the present time, as there are no gas works near the building. This automatic apparatus has given satisfaction wherever used, so far as your committee are informed, and although it will be no saving in expenditure, it will go far to insure the safety of the building and the inmates, which is certainly a paramount consideration. The sum of eighteen hundred dollars, it is estimated, will be sufficient for this purpose, and an appropriation of that amount is recommended.

The system of sewerage connected with the building requires immediate attention, and should in the opinion of your committee be materially changed.

There are at present three principal sewers, constructed of brick. They pass under the ventilating air-chambers in the building, and when out of repair, as they frequently are, render the air forced into the apartments almost intolerable. It is considered necessary to reconstruct these sewers, and in so doing use iron pipes where they pass under the building. After they leave the building brick may be used. As now constructed these sewers discharge at three points, one west of the building, one east and one south, thereby befouling and destroying the only streams of water on the hospital farm; and during the warm summer months the noxious exhalations from these discharges are extremely disagreeable at the hospital, and must be unhealthy. And especially just at this time, when a visit from that terrible plague, the cholera, is so confidently expected, we should be careful to remove everything that might prove its ally, and to place this institution in such a condition as would leave us no grounds for self-reproach should it not escape the scourge, and your committee have no hesitancy in urging the appropriation of two thousand five hundred dollars for this purpose.

There was a great mistake in the location of the Hospital, in not selecting a site with reference to a sufficient supply of good water, and this question has now become quite a perplexing one. Most of the water thus far used in the institution has been obtained from the artesian well, and is likely to prove rather expensive. In consequence of the mineral substances which it contains, it is very destructive to the metallic pipes used in heating the building and for numerous other purposes, and unless the use of this water is dispensed with, the vast system of pipes for the entire building will shortly have to be replaced at a very great expense to the State. Again, the use of this water in the culinary department is thought to be very detrimental to the general health of the patients, and has been conducive to a great degree, of diarrhea, which has at times been quite common and fatal among the inmates. It is very evident to your committee that the artesian well must be abandoned entirely, at least so far as the water from it may be used for any purpose connected with the boilers and pipes or in the culinary department.

The plan proposed by Dr. Mark Ranney in his supplemental report to the Board, hereto attached, is, in the judgment of your committee, feasible. For full particulars, reference is made to said report; and although it may involve a heavy expenditure, it will be a permanent improvement, and furnish a reliable supply of good water, so indispensable to an institution of this character.

The appropriation for this purpose suggested by Dr. Ranney is urgently recommended by your committee.

Attention is also directed to the suggestion of Dr. Ranney contained in said report, in regard to the purchase of a certain tract of real estate adjoining the Hospital farm on the south. And, while your committee heartily concur in the general statement that more land is needed, still they cannot think it necessary, at the present time, to procure so large a tract, but would recommend the purchase of about one-half the number of acres contained in the plat alluded to, which will give to the institution perhaps all the arable land now needed, besides additional pasturage and a good growth of timber. For this purpose an appropriation of eight thousand dollars will be necessary.

Your committee were unable to examine personally the roof of the building, but have every reason to believe, from the best information they could obtain, that it is in a bad condition, leaking in many places and greatly needing repairs, and unless something is soon done, an entire new roof will be necessary. Your committee would recommend an appropriation of the amount asked for, for this purpose.

The remaining appropriations asked for by the Board of Trustees (except two thousand five hundred dollars for cistern,) your Committee consider reasonable and indispensable, and would recommend that they be made.

To recapitulate, your Committee presents the following statement of the appropriations recommended for this purpose:

For construction of reservoir with necessary pumps, pipes, &c.	\$10,000
For purchase of real estate,.....	8,000
For digging drain,.....	700
For reconstructing sewers,.....	2,500
For painting and repairing roofs,.....	1,800
For repainting wards,.....	850
For furniture,.....	2,500
For grounds, fencing and shrubbery,.....	1,500
For apparatus for lighting,.....	1,800
For contingent expenses,.....	1,500

Total,..... \$31,150

Your Committee have considered it unnecessary to dwell more at length on the different purposes for which these several appropriations are asked, inasmuch as the various wants of the institution have been so ably presented by the Board of Trustees and Dr. Ranney, the Superintendent, in their reports.

The financial and agricultural affairs of the Institution are managed in a very satisfactory manner. The total number of employees of all kinds is fifty-eight; twenty-nine males and twenty-nine females, with an average pay per month for males of \$27, and females \$11.60.

This average does not include the pay of Engineer and Assistant Engineer, who receive respectively \$50 and \$40.

There are now on the farm twenty head of milch cows, twenty-two head of stock cattle, eight head of horses, two head of mules and seventy-five head of hogs. There have been butchered during the winter for the use of the Hospital fifty head of hogs, raised and fatted on the farm.

There are now on the farm over three hundred shade and ornamental trees; one hundred and fifty apple trees; two hundred and fifty grape vines of different varieties; two hundred and fifty currant bushes and not less than one half acre of strawberry plants.

There is a great want of reading matter for the inmates, and your Committee (hoping that the friends of the institution will remember it with liberal donations) would urgently recommend that in the distribution of books and documents by the General Assembly the wants of this important Hospital for the most unfortunate portion of our citizens, may not be overlooked or neglected.

All of which is respectfully submitted.

L. W. ROSS,
G. G. BENNETT,
A. BOOMER.

To the Honorable Senate and House of

Representatives of the State of Iowa :

The undersigned, Trustees of the Iowa Hospital for the Insane, respectfully submit, herewith, to your Honorable Body, a communication of Dr. Mark Ranney, Superintendent of the Hospital, made to the Board of Trustees since their annual meeting in December last, respecting the action of the water of the Artesian well at the Hospital on the steam boilers and the iron tubing connected with them, and the importance of acquiring additional land for the use of the Hospital; and placing full confidence in the representations contained in the communication, we respectfully recommend such legislative action as may be necessary to carry out, substantially, its suggestions.

M. L. EDWARDS,
A. W. McCLURE,
LUKE PALMER,
J. M. SHAFFER,
JOSEPH H. MERRILL,
JOHN R. NEEDHAM.

February, 1866.

To the Board of Trustees :

GENTLEMEN:—At the date of the last biennial report to your Board, my official connection with the Hospital had been too brief to enable me to become fully acquainted with its practical work-

ings. Further experience has convinced me of some important defects, which call for a considerable appropriation, and in view of these facts, I beg leave to present the following supplementary report :

The question of a supply of pure water for the use of the Hospital, is one of great importance. The Artesian well yields a sufficient supply, but as you well know, of such a quality as to render it wholly unfit for most purposes. In consequence of having but a small supply of any other water, it has been used generally for culinary purposes, bathing, washing, and cleaning, and for generating steam for warming the whole building. Sometimes it will be used for drinking by patients who cannot well discriminate, notwithstanding constant vigilance on the part of the attendants, and when thus used, is productive of serious or fatal disorders.

It has been used for generating steam, greatly to the cost of the State, as may be seen by the present condition of the heating apparatus. This apparatus was erected at a cost of \$20,000, and under ordinary circumstances should last twelve or fifteen years, at least ; whereas, some portions of it are already worn out, after only five years' service, and an appropriation by the next Legislature for its entire renewal may become necessary. This is owing to the fact that the well water is so highly charged with salts of lime and magnesia, that its chemical action on steam and water pipes is very rapid, and a considerable portion of these pipes are so deeply honey-combed, or corroded, that they must be replaced during the coming season. By a recent careful estimate, I find that about \$4,000 will be required for this purpose. Upon the inside of the boilers, the salts held by the water are precipitated, and form solid flakes of rock-like consistence, of such non-conducting quality that the boilers burn out rapidly ; they have already been patched several times in the most exposed places, and must be replaced by new boilers before long. Precipitation of a similar kind occurs in and upon the steam pipes, and interferes in a greater or less degree with their radiating or heating property. The boilers and pipes are cleaned as often as circumstances will permit, but there are times when their use cannot be dispensed with for this purpose, till they are ready to give out.

For purposes of washing and cleaning, this water is of the worst quality. In order to be able to wash at all, a large quantity of soda and an extravagant quantity of soap is necessary ; and even then, it has been impossible to have this branch of service done in a satisfactory manner.

For culinary, and all hygienic purposes, it is even less satisfactory, and, I think, positively baneful. This is a question of the highest consideration, as it involves the highest interests of humanity and the State, and may seriously affect any household. I hazard nothing in asserting that recovery or dementia, life or death may hang upon the issues involved in this subject.

The action of this water upon iron pipes suggests to my mind the possible calamity of the temporary or permanent extinction of the well from which it is derived. I cannot contemplate this possibility without a shudder. For this large household to be deprived of abundant water of some kind would be a calamity that must seriously disturb the equanimity of any one at all acquainted with its imperative necessities. I need only mention the danger from fire under such circumstances, and the great interest the State has at stake. Six hospitals in this country have been burned or extensively damaged by fire during the last twelve years, and in some instances there proved to be great deficiency of water.

The reason for this fear is this: In sinking the artesian well it was found necessary to tube it to a great depth on account of the nature of some of the strata successively penetrated, to prevent a constant filling up of the shaft with the loose material of which some of the strata are composed. It has been ascertained that the action of the water upon iron pipes in the well is full as rapid as when heated in the boilers, or converted into steam. From such observations as we have been able to make, the conclusion must be drawn, I think, that the well cannot last longer than the iron pipe that has thus far supported it and is necessary for its existence, and the rapid destruction of iron by this highly charged water seems to show that it cannot last many years longer.

Upon full examination of the matter, there seems to be a ready remedy for this unfortunate state of things, by availing ourselves of the natural facilities of our own premises. Two "branches," or small streams, run through our premises from the north-west and north-east, the latter fed by a living spring, uniting near the present south-eastern boundary of the Hospital grounds. Either or both of these "branches" may be converted into a reservoir capable of holding sufficient water for a full supply during any probable dry season when these streams may be dry. Or, if it should be thought best by some competent engineer, a smaller and inexpensive reservoir or dam may be constructed, and the water pumped into a reservoir of durable structure, for permanent purposes, situated near the Hospital, capable of holding about two and a half million of gallons—a quantity capable of resisting a drouth of the longest probable duration. This latter method is probably to be preferred on account of the desirableness of having a large quantity of water contiguous to the Hospital for security against fire. A system of this kind, with a capacious reservoir, has been in successful operation at the Illinois State Hospital for the Insane, and has relieved them completely from the embarrassment from which they had long suffered.

Such arrangements of a character and permanence to last a century have cost the Illinois Hospital less than \$10,000, and they have no doubt of the wisdom of the investment. In this connection I cannot do better than to quote the words of Dr. McFarland, the

accomplished Superintendent of that Hospital. He says in the seventh biennial report: "No industry or skill can compensate the lack of an element so completely vital. After enumerating the common domestic uses of water in cooking, washing and ordinary cleaning, the great purposes of water required here are yet untouched. There is no means in the treatment of insanity so positively indispensable as the water-bath in its various forms and temperatures. It meets numberless exigencies in the daily condition of patients, and no remedy is so invariably acceptable to those who require it. There is no agency in the proper treatment of the insane whose absence makes itself so unmistakably felt." This, of course, has reference to pure water, of which we have had hitherto a most inadequate supply.

As so much of the work in the construction of such a reservoir can be done by ourselves, I presume the cost will be found to be somewhat less than the cost of the Illinois Hospital reservoir, notwithstanding the increased cost of labor and materials. But as any expenditure will be made under your direction, I would suggest that the above sum be asked for in order that we may not be embarrassed by any unforeseen contingency. If this plan is adopted, the cistern, for which an appropriation of \$2,500 was asked in the biennial report, will not be necessary.

The farm connected with the Hospital appears to be altogether too small for the best interests of the institution. The present farm consists of 173 acres. About one half of which is sparsely wooded, and not very fertile. A good opportunity will soon be offered to purchase a fine tract of land adjoining the hospital farm, and there are many reasons which make this purchase peculiarly desirable. The advantages are of both present and prospective importance, and should be secured while it is possible. This tract of land contains about 350 acres, and while the whole is desirable, such part of it can probably be purchased or such part of the whole be retained as may be deemed expedient or best for the Hospital.

To a consideration of this matter I will devote the remainder of this report.

Most of the meat used in the hospital is obtained from animals killed on the premises, at an estimated saving of about \$2,000 per year. The number of head of cattle required for yearly consumption is about one hundred and fifty. With our present farm we can scarcely keep more stock than will afford a scanty supply of milk, and therefore we must buy our cattle, a few at a time, at the market prices that may happen to prevail at the time. Whereas, with the additional land in the contemplated purchase, advantage could be taken of the lower prices that prevail at some seasons of the year, to buy and support a considerable herd, at a still further saving to the institution.

At present we are not able to keep a sufficient number of cows for the necessary supply of milk. It is a fact too clear and well

known to need demonstration, that milk is a most healthy and economical article of food. If we had room and feed we should produce and use much more milk than we can now do, both to the welfare of patient and a saving of expenditure. As we can hardly supply ourselves with the necessary quantity of milk we can make no butter or cheese, two articles of almost indispensable necessity. For these articles we are paying about \$4,000 a year. Though the best that can be obtained except at prices deemed extravagant and beyond our means, they are of a rather indifferent quality. Poor butter and cheese are poor things indeed, and yet they must be had of some quality and price. Unless pure, or sweet and fresh, I regard them as most unhealthy articles of diet. With proper facilities I see no reason why we cannot make an excellent quality of butter and cheese far cheaper than they can be procured in the markets to which we have access.

There are several other good reasons for adding these acres to those already belonging to the Hospital, but I will only mention two or three, without dwelling upon them at length.

Nearly one-third of this land is pretty well wooded, and this portion if properly treated will yield annually a large income on the sum expended. When it is considered that we use a large amount of wood every year, the question of a supply is one of importance, and here I see a fine opportunity through forest culture to supply ourselves wholly or in large part with one of our indispensable necessities.

Additional employment is needed for patients which will be afforded by this purchase. I think it is certain that these wants will be felt more and more from year to year, and the purchase can probably be made at better advantage now than hereafter.

There is little risk in possessing too much land in connection with the Hospital, and if it is properly managed it can but be remunerative. Many acres of the present farm will be required in the future for exercise, pleasure grounds, and landscape gardening, and just so far as they are required and used for these purposes, will our present agricultural resources be curtailed. Strictly speaking no ground has yet been occupied for such purposes, but the want is much felt, and the first steps in this direction have just been taken. The cultivation of the farm, garden, and assistance in the improvement of pleasure grounds afford the most desirable forms of labor for most patients. Such employment is sufficiently varied without being too laborious, and many will engage in some divisions of it who could not be induced to engage in other kinds of employment.

Several years' connection with two important Hospitals for the insane, differing widely in extent and capacity of their pleasure grounds, and the amount available for agricultural purposes has enabled me to see the serious disadvantages resulting from defective arrangement in these particulars. Plenty of land of the right

kind, with a good supply of pure water, are two things of the highest importance in an institution of this kind. Possessing these, with the natural advantages and capabilities for improvement of this location, it will in all future time be worthy to be sought by the afflicted for relief, and capable of every detail of the most enlightened treatment.

This land can be purchased for thirty-five or forty dollars per acre, which is believed to be a fair price. About \$1,000 will be required for fences. Therefore I would recommend that an appropriation of \$13,000 be asked to enable the Board of Trustees to carry these suggestions into effect, whenever they shall be satisfied it is for the best interest of the State.

To recapitulate :

For replacing worn-out steam pipes.....	\$ 4,000
For reservoir, not exceeding.....	10,000
For farm.....	13,000

Total.....\$27,000

MARK RANNEY, Superintendent

Iowa Hospital, February, 1866.

Mr. Knox moved that the House do now adjourn.

The motion to adjourn did not prevail.

Mr. Wilson of Dubuque, moved the previous question, which was seconded, and the main question ordered; and the question recurring upon Mr. Safely's motion to reconsider, the yeas and nays were demanded and were as follows :

The yeas were Messrs. Alcorn, Barker, Bahl, Belt, Boomer, Bolter, Brown of Louisa, Brown of Winneshiek, Buck, Comfort, Dudley, Fellows, Fry, Gaylord, Garber, Goodrich, Graves, Holmes, Knapp, Leffingwell, Martin, Maxwell, McPherson, McNutt, McLaughlin, McKean, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Sipple, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—46.

The nays were Messrs. Abernethy, Barnes, Bereman, Bennett, Brown of Decatur, Brown of Van Buren, Burnett, Carbee, Clark, Close, Conway, Darwin, Dashiell, DeForest, Dwelle, Emery, Finkbine, Flanders, Gamble, Gary, Garrett, Glasgow, Godfrey, Hand, Holden, Huggins, Joy, Knox, Landes, Linderman, Morgan, Rogers, Sapp, Tracy, Thacher, Travis, West, Wilcox, Williams of Winneshiek—39.

Absent or not voting, Messrs. Abbott, Ballinger, Brown of Madison, Crawford, Griffith, Hale, Lowdon, McCullough, Mille, Serrin, Sherman, Williams of Des Moines.

So the motion to reconsider prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has ordered printed the usual number of copies of the report of the Special Committee appointed to visit the Hospital for the Insane.

JAMES M. WEART, Asst. Secretary.

Mr. Wilson, of Dubuque, moved that the House do now adjourn. Lost.

The question recurring upon the motion to lay upon the table, Mr. Russell demanded the yeas and nays, which were as follows:

The yeas were Messrs. Alcorn, Ballinger, Barker, Bahl, Belt, Boomer, Bolter, Brown of Louisa, Brown of Winnesheik, Buck-Dudley, Fellows, Gaylord, Garber, Goodrich, Graves, Holmes, Knapp, Leffingwell, Lowdon, Martin, Maxwell, McPherson, McLaughlin, McKean, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Sipple, Tisdale, Thomson, Thorn, Van Leuven, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—44.

The nays were Messrs. Abernethy, Barnes, Bennett, Brown of Decatur, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Glasgow, Godfrey, Griffith, Hale, Hand, Holden, Huggins, Joy, Knox, Landes, Linderman, McNutt, McCullough, Mills, Morgan, Rogers, Sapp, Serrin, Sherman, Stockman, Tracy, Thacher, Travis, Walden, West, Wilcox, Williams of Winnesheik—52.

Absent or not voting, Messrs. Abbott, Ballinger, Crawford, Griffith, Hale, McCullough, Mills, Williams of Des Moines.

So the motion to lay upon the table did not prevail.

The question recurring upon the amendment offered by Mr. Close, Mr. Gamble moved the previous question which was seconded and the main question ordered.

The amendment was lost.

Mr. Van Leuven moved that the House do now adjourn. Lost.

Upon the question "shall the bill be read a third time?" the yeas and nays were demanded and were as follows:

The yeas were Messrs. Alcorn, Barker, Bahl, Belt, Boomer, Bolter, Brown of Louisa, Brown of Winnesheik, Buck, Dudley, Fellows, Gaylord, Garber, Goodrich, Graves, Holmes, Knapp, Leffingwell, Martin, Maxwell, McPherson, McNutt, McLaughlin, McKean, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Sipple, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—44.

The nays were Messrs. Abernethy, Barnes, Beremen, Bennett, Brown of Decatur, Brown of Madison, Brown of Van Buren,

Burnett, Carbee, Clark, Close, Comfort, Conway, Darwin, Dashiell, DeForest, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Glasgow, Godfrey, Hand, Holden, Huggins, Joy, Knox, Landes, Linderman, Morgan, Sapp, Tracy, Thacher, Travis, West, Wilcox, and Williams of Winneshiek—42.

Absent, or not voting, Messrs. Abbott, Ballinger, Crawford, Griffith, Hale, Lowdon, McCullough, Mills, Serrin, Sherman, and Williams of Des Moines—11.

So the bill was ordered to be read a third time.

Mr. Brown of Winneshiek moved that when the House adjourn it be until Monday at 10 o'clock. Carried.

A temporary vacancy having occurred in the committee on Engrossed bills, the Speaker appointed Mr. Fry.

Mr. Gaylord moved that the House do now adjourn.

The motion prevailed and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, March 5, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Wetmore.

Journal of Saturday read and approved.

Mr. Bolter spoke to a question of privilege.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills and resolution, in which the concurrence of the House is asked:

Substitute for Senate File No. 41, A bill for an act supplemental to Chapter 108 of the laws of the Tenth General Assembly.

Senate File No. 113, A bill for an act to legalize and make valid the acts of the County Treasurers of Jasper county, Iowa, in collecting the taxes on the tax list of said county for the year 1860.

Senate File No. 122, A bill for an act to legalize the acts of the Board of Supervisors of Cass county, in relation to the survey and plat of the town of Lewis, in said county.

Senate File No. 136, A bill for an act legalizing the acts of Jas. Foster, Justice of the Peace of Guthrie county, Iowa.

House Substitute for House File No. 29, A bill for an act to protect the earnings of married women, with the following amendment,

viz: by striking out of the fourth and fifth lines of Section 1, the word "improvident."

Concurrent resolution for Joint Convention to be held on Saturday, the 10th inst., at 2½ o'clock, P. M., for the purpose of electing State Printer, State Binder, Warden of Penitentiary, Trustees of State University, and Bank Commissioners.

JAMES M. WEART, Asst. Secretary.

Mr. Sapp spoke to the question of privilege.

By leave, Mr. Tracy offered the following joint resolution, which was adopted:

Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to secure, at the earliest moment possible, the following mail route and mail facilities, to-wit: A tri-weekly mail from Grundy Centre, Grundy Co., Iowa, via Parkersburg; Butler Centre, West Point, and Cold Water, in Butler county, to Marble Rock, in Floyd county, Iowa.

2d. *Resolved,* That the Secretary of State be instructed to forward a copy of these resolutions to our Representatives in Congress and to the Postmaster-General.

By leave, Mr. Wilson, of Jackson, offered the following joint resolution, which was adopted:

Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be earnestly requested to secure the establishment of a tri-weekly mail from Wheatland, in Clinton county, through Toronto and Burgess, to Monmouth, in county of Jackson, Iowa.

Be it further resolved, That the Secretary of State be instructed to send a copy of this resolution to our members in the Senate and House of Representatives of the United States.

By leave, Mr. Maxwell offered the following joint resolution, which was adopted:

Resolved, That our Senators be instructed, and our Representatives be requested to use their influence to procure a tri-weekly mail route from Nevada, in Story county, to Colfax, in Jasper county, via Iowa Center, in Story county, Peoria and Greencastle, in Polk county.

And that the Secretary of State be instructed to forward immediately a copy of these resolutions to each of our Senators and Representatives in Congress.

By leave, Mr. Hand presented the following joint resolution, which was referred to the Committee on Constitutional Amendments:

Resolved, That the Committee on Constitutional Amendments be and they are hereby directed to inquire into the expediency of so amending the Constitution of this State as to provide that the legislature may change county boundaries, and to report by bill or otherwise.

By leave, Mr. Godfrey presented the following resolution, which was adopted :

Resolved, That the Secretary of State be directed to furnish each member and officer of the House with a copy of Adjutant General's Report for 1863.

By leave, Mr. Hand offered the following joint resolution, which was adopted :

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed and our Representatives be requested to use their influence to secure a tri-weekly mail route from Webster City, in Hamilton county, to Luni, in Wright county.

Resolved, That the Secretary of State be and he is hereby instructed to forward a copy of this resolution to each of our members of Congress and to the Postmaster General.

By leave, Mr. McNutt presented a petition from Z. Washburn and others, citizens of Muscatine county, asking for an increase in the compensation of certain public officers, which was referred to the Committee on the Compensation of Public Officers.

By leave, Mr. Safely presented a similar petition from G. P. Ingham and others, citizens of Cedar county, which was referred to the same committee.

By leave, Mr. Brown, of Decatur, presented a similar petition from S. V. Walton and others, citizens of Decatur county, which was referred to the same committee.

By leave, Mr. Holmes presented a similar petition from E. W. Risdon and others, citizens of Bremer county, which was referred to the same committee.

By leave, Mr. Huggins presented a similar petition from W. Poor and others, citizens of Ringgold county, which was referred to the same Committee.

By leave, Mr. Linderman presented a similar petition from C. Brown and others, citizens of Page county, which was referred to the same Committee.

By leave, Mr. Landes presented a similar petition from N. M. Ridgway and others, citizens of Clark county, which was referred to the same Committee.

By leave, Mr. Close presented a petition from B. Kelly and others praying that the lands granted to the Dubuque and Sioux City R. R., may not be resumed, which was referred to the Committee on Railroads.

By leave, Mr. Tracy presented a similar petition from Alonzo McKee and others, citizens of Butler county, which was referred to the same Committee.

By leave, Mr. Williams of Des Moines, presented a petition from the officers and directors of the Lee County Agricultural Society, praying for the re-election of M. W. Robinson, a trustee

from the 1st District, of the Agricultural College, which was referred to the Committee on Agricultural College and Farm.

SPECIAL ORDER.

The following resolution introduced by Mr. Barker, the special order for this hour, was taken up and considered :

Resolved, That in the opinion of the House, the General Assembly of the State of Iowa, possesses the rightful constitutional authority to regulate the fare for freight and passengers on the railways within the State.

After consideration of the resolution, Mr. Sapp moved that the House do now adjourn, which motion prevailed, and the House adjourned.

2 O'CLOCK P. M.

The House met pursuant to adjournment.

Mr. Joy moved that substitute for Senate File No. 41, A bill for an act supplemental to Chapter 108 of the Laws of the Tenth General Assembly, be taken up.

The motion prevailed, and the bill was read a first and second time, and referred to the Committee on the Des Moines River Improvement.

By leave, Mr. Poindexter introduced House File No. 243, A bill for an act to accept the grant of land to the State of Iowa made by an act of Congress of July 12th, 1864, and to carry out the provisions of said act of Congress, entitled an act for a grant of land to the State of Iowa in alternate sections to aid in the construction of a railroad in said State, which was read a first and second time, and referred to the Committee on Railroads, and ordered printed.

By leave, Mr. Fry introduced House File No. 244, "A bill for an act to amend Sections 1715, 1716, and 1739, of Chapter 67, of the revision of 1860, and to repeal Section 167 of Chapter 121, of the Acts of the Tenth General Assembly in regard to the number and manner of the selection of the Board of Trustees of the Agricultural College and Farm, and for other purposes."

Which was read a first and second time, and referred to the Committee on Agricultural College and Farm.

By leave, Mr. Wilcox submitted the following report :

The Committee on Commerce, to whom was referred House Files No. 133 and 129, together with numerous petitions, have had the same under consideration, and have instructed me to report the accompanying bill, and recommends its passage.

P. C. WILCOX, Chairman.

House File No. 245, "A bill for an act limiting charges, and de-

fining duties of Railroad Companies," which was read a first and second time, and ordered printed, and made the Special Order for Thursday next, at 10 A. M.

By leave, Mr. Knapp introduced House File No. 246, A bill for an act to legalize the acts of Joshua Sayer, as Notary Public in Hardin County," which was read a first and second time, and referred to the Committee on the Judiciary.

The House resuming the consideration of the resolution offered by Mr. Barker, relating to the power of the General Assembly, to regulate the tariff of Railroads,

Mr. Sapp offered the following amendment, to add to the original resolutions the words "but it is inexpedient to exercise that right at this time."

After consideration of the amendment by the House, Mr. Burnett moved the previous question, which was seconded, and the main question ordered.

The question being upon Mr. Sapp's amendment.

Mr. McNutt demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abbott, Ballinger, Bahl, Belt, Brown of Decatur, Comfort, Darwin, Dwelle, Gamble, Glasgow, Godfrey, Griffith, Hale, Huggins, Joy, Linderman, Lowdon, McPherson, Morgan, O'Brien, Olmstead, Palmer, Ryan, Sapp, Sipple, Travis, Van Leuven, Walden, Wilson of Dubuque, Williams of Des Moines—31.

The nays were Messrs. Abernethy, Alcorn, Barnes, Barker, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Buck, Carbee, Clark, Close, Crawford, Dashiell, DeForest, Dudley, Emery, Fellows, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Goodrich, Graves, Hand, Holmes, Holden, Knapp, Knox, Landes, Martin, Maxwell, McNutt, McCullough, McKean, Poindexter, Rohlf, Runyan, Russell, Safely, Sherman, Tracy, Thacher, Tisdale, Thomson, West, Wilcox, Wright, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—55.

Absent and not voting, Messrs. Potter, Conway, Flanders, Lefingwell, McLaughlin, Rogers, Mills, Serrin and Thorn—9.

So the motion to amend did not prevail.

The question recurring upon the original resolution, Mr. Safely demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Comfort, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Graves, Goodrich, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Linderman, Martin, Maxwell, McPherson, McNutt, Mc-

Cullough, McKean, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlfis, Runyan, Russell, Safely, Tracy, Thacher, Travis, Tisdale, Thomson, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—75.

The nays were Messrs. Abbott, Belt, Buck, Darwin, Glasgow, Godfrey, Lowdon, Rogers, Ryan, Sapp, Van Leuven, Walden, Wilson of Dubuque—13.

Absent or not voting Messrs. Bolter, Conway, Flanders, Leffingwell, McLaughlin, Mills, Serrin, Sipple and Thorn—9.

So the resolution was adopted.

By leave, Mr. Wilson of Dubuque introduced House File No. 247, a bill for an Act to amend Section 3164 of the Revision of 1860, which was read a first and second time, and referred to the Judiciary Committee.

By leave, Mr. Wilson of Dubuque introduced House File No. 248, a bill for an Act to make the State a party in certain cases, which was read a first and second time, and referred to the Committee on the Judiciary.

By leave, Mr. Finkline introduced House File No. 249, a bill for an Act making an appropriation to complete and repair the buildings of the State University, which was read a first and second time, and referred to the Committee on Ways and Means.

By leave, Mr. Sherman introduced House File No. 250, A bill for an Act to quiet title to certain lands sold by the State to individuals as part of the Des Moines River Land Grant, which was read a first and second time and referred to the Committee on Public Lands.

By leave, Mr. Belt introduced House File No. 251, A bill for an act to amend Chapter 112 of the Laws of the 8th General Assembly, which was read a first and second time, and referred to the Committee on Ways and Means.

By leave, Mr. Poindexter introduced House File No. 252, A bill for an act fixing the time of holding court in the 12th Judicial District, which was read a first and second time, and referred to a Committee of the delegation from that District.

By leave, Mr. Safely introduced House File No. 253, A bill for an act authorizing incorporated cities and towns to prohibit the manufacture and sale of malt, vinous and other liquors not prohibited by existing laws, which was read a first and second time and referred to the Committee on the Suppression of Intemperance.

Mr. Dwelle presented the following report from the Committee on Engrossed Bills.

MR. SPEAKER:—Your Committee on Engrossed Bills have examined the following House Files and report the same as correctly engrossed:

Substitute for House File No. 136, A bill for an act to amend

Section 1, of Chapter 109, of the acts of the Tenth General Assembly relating to agriculture and for other purposes.

House File No. 118, A bill for an act to provide for the publication of general laws, and of the proceedings of Boards of Supervisors in the several counties.

House File No. 145, A bill for an act apportioning the State of Iowa into Representative Districts.

House File No. 72, A bill for an act to prevent the spreading of contagious diseases among swine.

House File No. 88, A bill for an act to prohibit one or more of the several owners of land inclosed in common turning domestic animals during certain seasons of the year into such enclosure without the consent of all the other owners.

Substitute for House File No. 130, A bill for an act to secure to certain persons, residents of Wayne county, Iowa, their homes at the price of \$1.25 per acre of lands known as the excess of the 500,000 acre grant.

House File No. 71, A bill for an act regulating appeals to the Supreme Court in certain cases.

House File No. 94, A bill for an act to authorize courts upon granting change of venue in criminal cases to require witnesses to enter into recognisance for their appearance at the court to which such change of venue may be granted.

House File No. 111, A bill for an act to amend an act entitled vacancies and special elections.

House File No. 143, A bill for an act to legalize the acts of the State Auditor and State Treasurer in paying compensation to the Judges of the Supreme and District Courts in the absence of any law authorizing the same, and to equalize such compensation.

House File No. 184, A bill for an act to legalize the proceedings of certain County Courts, and to repeal Section 262, of the Revision of 1860.

House File No. 57, A bill for an act to authorize the Board of Supervisors to compromise certain judgments in favor of the State.

House File No. 126, A bill for an act relating to the Assistant Adjutant General.

House File No. 140, A bill for an act to credit Story county with certain sums of money.

House File No. 143, A bill for an act to amend Section 307, of the Revision of 1860, in relation to the time of meeting of the Board of Supervisors.

L. DWELLE, Chairman.

Mr. Buck moved that the House do now adjourn, which prevailed and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, March 6th, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Dr. Peet.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to inform your Honorable Body that the Senate has passed the following Joint Resolution in which the concurrence of the House is asked :

Joint Resolution instructing the Secretary of State to purchase 300 copies of 2d Vol. of G. Greene's Reports.

Also a Substitute for House Joint Resolution relating to the trial and punishment of Jeff. Davis.

J. W. DIXON, Sec. of Senate.

By leave Mr. Ballinger submitted the following report from the select Committee consisting of the Members from Lee county :

MR. SPEAKER :—Your Committee to whom was referred House File No. 198, have had the same under consideration and have directed me to report the same back to this House with the recommendation that it do pass.

Your Committee to whom also was referred a petition from the members of the bar at Keokuk, praying for a change in the time of holding courts in said city, have directed me to report the same back to this House together with a bill covering the prayer of said petitioners, with the recommendation that said bill do pass.

W. BALLINGER, Chairman.

The bill reported by the Select Committee—House File No. 254, A bill for an act to amend an act entitled an act to define the time of holding courts in the several Judicial Districts of this State, passed March 23d, 1858, was read a first and second time and passed on file.

Mr. Ryan, from Committee on Enrolled Bills, submitted the following report :

MR. SPEAKER :—Your Committee on Enrolled Bills have examined Senate substitute for House File No. 166, An act to fix the time of holding courts in the Ninth Judicial District ; also a Memorial and Joint Resolution asking Congress to grant the same aid to the Iowa branch of the Union Pacific Railroad as has been granted to the Kansas branch of the same road, and find them correctly enrolled.

Your Committee have received from Senate Committee on Enrolled Bills Senate File No. 105, An act to legalize certain official

acts of Elias Topliff, late School Fund Commissioner of Alamakee county, and for the relief of the administrators of the estate of said Topliff and of their grantees, reported by Senate Committee as correctly enrolled. All of which I present for your signature.

D. RYAN,

Member Committee on Enrolled Bills.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order, being Mr. Martin's preamble and joint resolution, that the State of Iowa will fully protect and confirm the titles of certain actual settlers to lands lying north of the Raccoon Fork of the Des Moines River in this State, the House proceeded to the consideration of the same.

On motion of Mr. Martin the preamble and resolution were adopted.

BILLS ON SECOND READING.

House File No. 146, A bill for an act apportioning the State of Iowa into Senatorial Districts, was taken up and considered.

Mr. Glasgow moved that the bill be recommitted, which motion prevailed.

Mr. McNutt moved that the Senate messages be now taken up. The motion prevailed.

Senate File No. 125, A bill for an act to amend Chapter 91 of laws of 10th General Assembly entitled an act granting the right of way to open and drain coal-mines, was read first and second times and referred to the Committee on Roads and Highways.

Senate File No. 113, A bill for an act to legalize and make valid the acts of the County Treasurer of Jasper county, Iowa, in collecting the taxes on the tax list for said county for the year 1860, was read first and second times and referred to the Committee on Judiciary.

Senate File No. 136, A bill for an act legalizing the acts of James Foster, Justice of the Peace of Guthrie county, Iowa, was read first and second times and referred to the Committee on Judiciary.

Senate File No. 122, A bill for an act to legalize the acts of the Board of Supervisors of Cass county, in relation to the survey and plat of the town of Lewis in said county, was read first and second times and referred to the Committee on County and Township Organization.

Senate File No. 81, A bill for an act to provide for establishing private roads in the State of Iowa, was read first and second times and referred to the Committee on Roads and Highways.

Senate File No. 112, A bill for an Act to amend an Act entitled

an Act to amend Section 432, Chapter 29, of the Revision of 1860, was read first and second time.

Referred to the Committee on Compensation of Public Officers.

Senate File No. 42, A bill for an Act for the transfer of real estate, to regulate the assessment thereof, and facilitate the collection of revenue, was read first and second time.

Referred to the Committee of Ways and Means.

The House took up Senate amendments to substitute for House Files Nos. 41 and 35, A bill for an Act to amend Chapter 89, of the Acts of the Tenth General Assembly, entitled an Act for the relief of the families of soldiers and mariners in the service of the United States.

Upon the question of concurring with the Senate amendment, the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—88.

The nays were Mr. Dudley—1.

Absent or not voting were Messrs. Barker, Bahl, Belt, Bolter, Flanders, McPherson, O'Brien, Serrin.

So the Senate amendments were concurred in.

The House took up Senate Amendment to House File No. 29, A bill for an act to protect the earnings of married women.

Upon the question of concurring in the Senate amendment the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Ballinger, Barnes, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Sherman, Sipple, Tracy, Thacher, Travis,

Tisdale, Thomson, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—85.

The nays were Messrs. Alcorn and Safely—2.

Absent or not voting, Messrs. Barker, Bahl, Belt, Bolter, Flanders, Gary, Godfrey, McPherson, Mills, Serrin, Thorn.

So the Senate amendment was concurred in.

The House took up Senate amendment to House File No. 90, A bill for an act to amend Section 10 of Chapter 22 of the Acts of the Tenth General Assembly.

Upon the question of concurring in the Senate amendments, the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, DeForest, Dwelle, Emery, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McNutt, McCullough, McKean, Morgan, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Safely, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Van Leuven, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—73.

The nays were Messrs. Bereman, Bennett, Brown of Decatur, Dashiell, Dudley, Fellows, Lowdon, Martin, Sapp, Sipple, Walden, Wright, Wilson of Dubuque—2.

Absent or not voting, Messrs. Barker, Bahl, Belt, Bolter, Flanders, Griffith, McPherson, McLaughlin, O'Brien, Serrin, Thorn.

So the Senate amendment was concurred in.

The House took up the following concurrent resolution from the Senate :

Resolved by the Senate, the House concurring, That the Senate will meet the House in Joint Convention on Saturday, the 10th inst., at 2½ o'clock, P. M., for the purpose of electing State Printer, State Binder, Warden of Penitentiary, three Trustees of the State University, and Bank Commissioners.

Mr. Finkbine moved to amend by striking out the word "three," before "Trustees," and insert "four," which motion to amend prevailed.

The resolution was adopted.

The Senate Joint Resolution instructing the Secretary of State to purchase three hundred copies of second volume of Greene's Reports of the Decisions of the Supreme Court of Iowa, for the use of the State, was read, and on motion of Mr. Finkbine, was referred to the Committee on Judiciary.

The Senate amendment to the House resolution, concerning the

trial and punishment of Jefferson Davis, was taken up and discussed.

Mr. Wilson, of Dubuque, moved to strike out of the first resolution all after the word "Iowa," and insert the following:

"That it is the duty of the President of the United States to cause Jefferson Davis to be brought to a fair and impartial, but speedy, trial before the proper tribunal, and that, if found guilty of the crime of treason, that he suffer the penalty provided by law, unless the President believes that his pardon will tend to heal the wounds of the nation, and promote the welfare of the republic.

Mr. Burnett moved the previous question, which was seconded, and the main question ordered.

Upon the adoption of the amendment of Mr. Wilson, of Dubuque, the yeas and nays were demanded, and were as follows:

The yeas were Messrs. Ballinger, Bolter, Brown of Decatur, Buck, Comfort, Fellows, Gaylord, Lowdon, O'Brien, Sipple, Wilson of Dubuque—10.

The nays were Messrs. Abernethy, Abbott, Barnes, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Gamble, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Van Leuven, Walden, West, Wilcox, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—73.

Absent or not voting, Messrs. Alcorn, Barker, Bahl, Belt, Flanders, Fry, Garber, McPherson, McLaughlin, Rogers, Serrin, Thorn, Wright, Williams of Des Moines.

So the motion to amend was lost.

Upon the question of adopting the Senate substitute to House Resolution, the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Ballinger, Barnes, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Winnesheik, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, Mills, Morgan, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Ryan, Sapp, Safely, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Van Leuven, Walden, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—74.

The nays were Messrs. Abbott, Bereman, Bolter, Brown of Van Buren, Buck, McKean, O'Brien, Sipple, West, Wilson of Dubuque—11.

Absent or not voting. Messrs. Alcorn, Barker, Bahl, Belt, Bennett, Hand, Fry, McPherson, McLaughlin, Serrin, Thorn, Wright.

So the Senate substitute was adopted.

The House took up the concurrent resolution relative to the organization of a National Bureau of Education which had been returned from the Senate with the following amendment: Strike out all after the word "same" in the tenth line.

On motion of Mr. Tisdale, the House concurred in Senate amendment.

The House resumed consideration of bills on second reading.

House File No. 200, A bill for an act to relinquish an escheat, was taken up, considered and ordered to be engrossed and read a third time.

House File No. 208, A bill for an act to authorize the councils of cities in this State to grant the use of the streets of said cities for construction of horse railroads, was taken up and considered.

Mr. Rogers moved to amend Section 1, by striking out "twenty" and inserting "twenty-five." Lost.

Mr. Van Leuven moved that the House do now adjourn.

The motion prevailed, and the House adjourned.

2 O'CLOCK P. M.

House met pursuant to adjournment.

Mr. McNutt offered the following amendment:

Add to section 1 the following: "And provided further that said grant, charters, and contracts, and the rates of fare and freights on such roads may at all times be regulated and fixed by the City Council, subject to the constitution and laws of the State."

Upon the adoption of the amendment Mr. McNutt demanded the yeas and nays, which were as follows:

The yeas were Messrs. Alcorn, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Comfort, Fry, Gaylord, Graves, Hand, Maxwell, McNutt, McCullough, McKean, Morgan, Olmstead, Russell, Safely, Serrin, Travis, Van Leuven, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson, of Marshall, Williams of Winneshiek—33.

The nays were Messrs. Abernethy, Barnes, Brown of Madison, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Gamble, Gary, Garber, Glasgow, Godfrey, Griffith, Holmes, Holden, Huggins, Joy, Knapp, Knox, Leffingwell, Linderman, Lowdon, Mills, O'Brien, Palmer, Poindexter, Rogers, Rohlf,

Ryan, Sapp, Sherman, Tisdale, Thomson, Walden, Wright, Wilson of Dubuque, Mr. Speaker—42.

Absent or not voting Messrs. Abbot, Ballinger, Barker, Bahl, Belt, Bolter, Clark, Conway, Fellows, Flanders, Garrett, Goodrich, Hale, Landes, Martin, McPherson, McLaughlin, Runyan, Sipple, Thacher, Thorn, Walden—22.

The amendment did not prevail.

Ordered that the bill be engrossed and read a third time.

House File No. 198, A bill for an act to provide for a special term of the District Court in Lee County, was considered and ordered to be engrossed and read a third time.

Mr. Finkbine moved that the rule be suspended and the bill read a third time now.

The motion prevailed and the bill was read a third time.

Upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Alcorn, Beremen, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Lefingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Thacher, Travis, Tisdale, Thomson, Van Leuven, Wilcox, Wright, Wilson of Dubuque, Wilson of Jackson, Williams of Winneshiek, Mr. Speaker—76.

The nays were, none.

Absent or not voting, Messrs. Abbott, Ballinger, Barnes, Barker, Bahl, Belt, Bolter, Fellows, Garrett, Knox, Landes, Martin, McLaughlin, Russell, Sipple, Tracy, Thorn, Walden, West, Williams of Des Moines, Wilson of Marshall—21.

So the bill passed and the title was agreed to.

House File No. 254, A bill for an act to amend an act entitled an act to define the time of holding courts in the several Judicial Districts of this State, passed March 23, 1858, was considered.

Mr. Beremen moved that the word "Constitution" be stricken out of the last line and the words "Gate City" inserted in lieu thereof. Carried.

Ordered that the bill be engrossed and read a third time.

Being engrossed, Mr. Finkbine moved that the rule be suspended and the bill read a third time now.

The motion prevailed and the bill was read a third time.

Upon the question "Shall the bill pass" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Alcorn, Bereman, Bennett,

Boomer, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCullough, McKean, Mills, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—75.

In the negative, Mr. Comfort—1.

Absent or not voting, Messrs. Abbott, Ballinger, Bahl, Belt, Barnes, Barker, Bolter, Conway, Garrett, Flanders, Fellows, Knox, Landes, Martin, McPherson, McLaughlin, Morgan, O'Brien, Sipple, Thorn, Walden.

So the bill passed and the title was agreed to.

Mr. McNutt moved a call of the House.

The motion did not prevail.

BILLS ON THIRD READING.

House File No. 79, A bill for an act to amend Section 799, of the revision of 1860, relating to registering letters containing County Treasurers' monthly reports to the Auditor of State, was read a third time.

Upon the question shall the bill pass?

The yeas were Messrs. Abernethy, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Finkbine, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCullough, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rogers, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Sipple, Tracy, Travis, Tisdale, Thomson, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—74.

The nays were Messrs. Bereman, Dudley, Fry—3.

Absent and not voting, Messrs. Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bolter, Fellows, Flanders, Knox, Landes, Martin, McPherson, McLaughlin, O'Brien, Sapp, Thacher, Thorn, and Walden—20.

So the bill passed, and the title was agreed to.

PETITIONS.

Mr. Martin presented a petition from J. W. McIntosh, and 103 others, asking the Legislature to resume the lands granted to the C. B. & M. R. R. Co., and quiet and confirm the titles made by the State to Des Moines river lands.

Referred to the Committee on Railroads.

Mr. Godfrey presented a petition from J. S. Polk, and sundry citizens of Polk county, asking for an increase of Justices' fees.

Referred to the Committee on Compensation of Public Officers.

Mr. Fellows presented a petition from Samuel H. Kine, and sundry citizens of Alamakee county, asking increase of fees of Justices of the Peace.

Referred to the Committee on Compensation of Public Officers.

Mr. Mills presented a petition from James Fleece, and 50 other citizens of Calhoun county, living along the proposed line of the Dubuque & Sioux City Railroad, praying for a joint resolution of the General Assembly instructing our Senators, and requesting our Representatives in Congress to use their influence against the passage of an act by Congress that will extend the limitation of time upon the land grant act to said road.

Referred to the Committee on Railroads.

Mr. Mills presented a petition from Jonathan Bishop, and fifty other citizens of Calhoun county, praying that the General Assembly devise such means as will assure the completion of said road in accordance with the spirit and terms of the land grant of Congress, and the interests of the people and State dependent on said road.

Referred to the Committee on Railroads.

Mr. Comfort presented a petition from William A. Donwood and 39 other citizens of Monona county, praying against an increase of salary.

Referred to the Committee on Compensation of Public Officers.

Mr. Comfort presented a petition from Thomas H. Flower and sundry citizens of Monona county, praying for a repeal of Chapter 87 of the Acts of the Ninth General Assembly, relating to change of county boundary.

Referred to the Committee on County and Township Organizations.

Mr. Williams, of Winneshiek, presented a petition from B. F. Smith and 32 others, asking for no change of the liquor law.

Referred to the Committee on Suppression of Intemperance.

Mr. Williams, of Winneshiek, presented a petition from E. L. Reynolds and sundry citizens of Winneshiek county, praying for no change of the liquor law.

Referred to the Committee on Suppression of Intemperance.

Mr. Wilson, of Dubuque, moved that to-morrow be set apart for the introduction of bills and other reports of committees.

The motion prevailed.

Mr. Sherman moved that the House do now adjourn.

The motion prevailed and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, March 7, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Gaston.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked:

Senate File No. 171, A bill for an Act to amend Section 1, of Chapter 128, of the Acts of the Tenth General Assembly.

A joint resolution relating to the plates on which Hall's Geological report was printed.

J. W. DIXON, Secretary.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order, House File No. 227, A bill for an Act to provide for the payment of the bonds of the State of Iowa, maturing January 1st, 1868, and July 1st, 1881.

Mr. Finkbine moved to postpone until Friday, 10 A. M., which motion prevailed.

REPORTS OF COMMITTEES.

Mr. Darwin submitted the following reports:

MR. SPEAKER:—The Judiciary, to whom was referred House File 232, A bill for an Act to regulate the assessment of personal property in certain cases, have had the same under consideration and have instructed me to recommend that it do not pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 223, A bill for an act to amend Section 1267 of the Revision of 1860, in relation to mill-dams, have considered the same, and herewith

report a substitute and recommend that it be put upon its passage.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 119, A bill for an act to amend Chapter 102 of the Revision of 1860, have considered the same and report back the same with a substitute, and recommend that the substitute be put upon its passage.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 193, A bill for an act to amend Section 3370 of the Revision of 1860, have considered the same and have instructed me to report a recommendation that it do not pass.

DARWIN, Chairman.

The Judiciary to whom was referred the question whether or not Congress has the power to make the notes of the National Banks a legal tender, have considered the same and instructed me to report an affirmative answer.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 195, A bill for an act to permit the accused to testify in criminal cases, have had the same under consideration, and recommend that it do not pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 154, A bill for an act to amend Section 2199 of the Revision of 1860, have had the same under consideration and instructed me to recommend its indefinite postponement.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 212, A bill for an act to repeal Chapter No. 26 of the Acts of the 9th General Assembly, have had the same under consideration and recommend that it do not pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 101, A bill for an act legalizing conveyances of real estate to the St. Charles Cemetery Association, have considered the same and hereby recommend that it be put upon its passage, the same having been first amended by adding to the end thereof the following: "To the same extent as if the said articles had been filed in the office of the Secretary of State at the date of such conveyance.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 237, A bill for an act to provide where suits may be brought in Justice Courts, and to repeal Sections 2851 and 2852, of the Revision of 1860, having considered the same recommend that it be indefinitely postponed.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 158, A bill for an act to repeal Section 2742, of the Revision of 1860, in relation to limitation of actions, have duly considered the same and

instructed me to report the same back with the recommendation that it do pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 222, A bill for an act to amend Section 3304, of the Revision of 1860, have had the same under consideration, beg leave to recommend: 1st, That the 1st section be so amended as that after the enacting clause it shall read as follows: That at the end of Section 3304, of the Revision of 1860, there be added the following, "to a printer there shall also be exempt a printing press not exceeding in value fifteen hundred dollars, and the type, furniture and material of such a printing and newspaper office as is usually conducted with such a press. 2d, That Section 2, be stricken out. 3d, That having been so amended that the bill be put upon its passage.

DARWIN, Chairman.

The Judiciary to whom was referred Senate File No. 85, A bill for an act concerning acknowledgments of deeds in foreign countries, and to repeal Section 2244, of the Revision of 1860, have had the same under advisement, and recommend that the word "testimony" be struck from the fourteenth section thereof, and the word "statement" be inserted instead. Also that the bill then pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 135, A bill for an act to repeal Chapter 87, of the laws of the Ninth General Assembly, have considered the same and recommend that it do pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 19, A bill for an act to amend the law in reference to the execution of judgments for the foreclosure of mortgages, have considered the same, and have instructed me to report it back with the recommendation that it do pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 104, A bill for an act authorizing the Sub-Division of land in certain cases, and requiring the plats thereof to be recorded, have duly considered the same and instructed me to refer the same back with the recommendation that it be put upon its passage.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 40, A bill for an act requiring instruments affecting real estate to be recorded, have had the same under consideration and have instructed me to return the same with a substitute therefor, and a recommendation that the substitute do pass.

DARWIN, Chairman.

The Judiciary, to whom was referred substitute for Senate File No. 72, A bill for an act to provide Justices of the Peace with a copy of the Revision of 1860, have considered the same and herewith return it and recommend its passage.

DARWIN, Chairman.

The Judiciary, to whom was referred House File No. 150, A

bill for an act requiring County Treasurers properly to post their books and make report to the clerk of County Board of Supervisors, have had the same under consideration and ordered me to report the same back herewith and recommend its reference to the Committee on Ways and Means.

DARWIN, Chairman.

The Committee on Judiciary have instructed me to submit the bill hereto annexed, entitled a bill for an act to repeal Section 2742 of the Revision of 1860, and to recommend its passage.

DARWIN, Chairman.

The bill, House File No. 255, was read first and second times and passed on file.

The Judiciary, to whom was referred House File No. 37, A bill for an act for the punishment of beastiality, have had the same under consideration and have instructed me to report the same back without any recommendation.

DARWIN, Chairman.

The Judiciary, to whom was referred House File No. 117, A bill for an act in relation to county court records, have considered the same and advise that the same be amended as follows :

1st. Strike from Section one the words "the following additional probate record books."

2d. Strike from Section one all the matter that follows the word "guardian," and insert instead thereof "and he shall receive a compensation for each bond so recorded of fifty cents.

3d. Strike out Section two.

4th. Strike out Section three.

5th. Strike out Section four.

The committee further recommend that when so amended the bill be put upon its passage.

DARWIN, Chairman.

The Judiciary have instructed me to present for the consideration of the House, and to recommend the passage of the bill herewith presented : "A bill for an act to define the time of maturity of negotiable paper payable at sight."

DARWIN, Chairman.

The bill, House File No. 256, was read a first and second time, and passed on file.

The Judiciary, to whom was referred House File 109, "A bill for an act authorizing the county of Hardin to levy a tax for the purpose of equalizing the bounty of all soldiers who have volunteered from said county during the late war," having considered the same, recommend that it do not pass.

DARWIN, Chairman.

The Judiciary, to whom was referred Substitute for Senate File No. 10, "A bill for an act to award costs against private prosecutors on preliminary examinations in criminal cases," have duly

considered the same, and instructed me to report the same back with the recommendation that it do not pass.

DARWIN, Chairman.

The Judiciary, to whom was referred House File 177, "A bill for an act to legalize the acts of the Board of Supervisors of Washington county, Iowa," having considered the same, recommend that it be put upon its passage.

DARWIN, Chairman.

The Judiciary, to whom was referred Substitute for Senate File No. 7, "A bill for an act providing dockets for Justices of the Peace," have had the same under consideration, and herewith report the same back with the recommendation that it do pass.

DARWIN, Chairman.

The Judiciary, to whom was referred the Resolution No. 4, Senate instructions for the purchase of second volume Greene's Reports, have had the same under consideration, and recommend that the same do not pass.

DARWIN, Chairman.

The Judiciary, to whom was referred the petition of citizens of Henry county, asking the passage of a law for taxing bees, have considered the same, and have concluded that bees are taxable property now.

DARWIN, Chairman.

Mr. Hale submitted the following reports:

MR. SPEAKER:—The Committee on Constitutional Amendments, to whom was referred House File No. 2, "A bill for an act to define certain qualifications of electors," have had the same under consideration, and there being, in the opinion of your committee, no objections on constitutional grounds, to the same becoming a law, it has instructed me to report the same back to the House, and recommend its passage.

WM. HALE, Chairman.

The Committee on Constitutional Amendments to whom was referred a petition of sundry citizens of the State of Iowa praying for the passage of a law, requiring all official oaths of both civil and military officers to contain a clause prohibiting the incumbent from using any intoxicating liquors as a beverage during his term of office, and also praying for the General Assembly to memorialize Congress to enact a similar statute controlling all persons holding office under the United States Government, has had the same under consideration, and instructed me to report the same back to this House, with the recommendation that it be referred to the Committee on the Suppression of Intemperance, there being in the opinion of your Committee no necessity for an amendment to the Constitution in order to the passage of such a law as the petition contemplates.

WM. HALE, Chairman.

The House concurred in the report and the petition was so referred.

The Committee on Constitutional Amendments to whom was referred a resolution instructing it to "consider the propriety of striking out of Article 2 Section 1 of the Constitution, the word "sixty" and insert "twenty" instead, has had the same under consideration and instructed me to report the same back to the House with a recommendation that it be not adopted.

WM. HALE, Chairman.

The Committee on Constitutional Amendments to whom was referred a resolution instructing it to inquire into the expediency of enacting a Registry law, has had the same under consideration, and instructed me to report the same back to the House with a recommendation that it be referred to the Committee on Elections, inasmuch as in the opinion of your Committee no constitutional prohibition exists to the passage of such a law as the resolution contemplates.

WM. HALE, Chairman.

The report was concurred in, and the resolution was so referred.

Mr. Sapp submitted the following reports :

The Committee on Federal Relations, to whom was referred various petitions asking for the establishing of a mail route from Vernon, via Mount Sterling and Upton, in Van Buren county, Iowa, to Memphis, in Scotland county, Missouri, and concurrent resolution on the same subject, have had the same under advisement, and have directed me to report the same back to this House, with the recommendation that the prayer of said petitions might be granted, and that the accompanying resolution pass the House.

WILLIAM F. SAPP, Chairman.

The Committee on Federal Relations, to whom was referred a resolution instructing our Senators in Congress, and requesting our Representatives, to oppose by all lawful means the admission of members from the States lately in rebellion to seats in either branch of Congress, until sufficient guarantees shall have been provided for securing to the race lately emancipated in such States the substantial enjoyments of all the rights of freemen, &c., have had the same under advisement, and have directed me to report the same back with the recommendation that it do pass.

WILLIAM F. SAPP, Chairman.

Mr. Finkbine, Chairman Committee on Ways and Means, submitted the following reports :

The Committee on Ways and Means, to whom was referred the petition of John Clayton, of Dallas county, have had the same under careful consideration, and have instructed me to report that they have given the subject their best attention, and have unanimously concluded that the petitioner could never have been a member of the popular branch of this General Assembly, for if so he would not have fallen into the mistaken idea that the members

thereof needed watching. Your committee fully concur in the prayer of the petitioner, that this General Assembly should do something for the sake of suffering humanity generally, and the petitioner particularly, to lighten the burthens of taxation. To accomplish this end, we are assured by the petitioner that "he will ever pray," and we recommend that he do so "without ceasing."

There is one positive declaration in the petition which suggests itself to the minds of the committee, as being strictly true and particularly applicable to the members of this General Assembly: It is, "that this thing of working two hours per day don't pay," and we submit this part of the petition to the careful consideration of the House, trusting that in its wisdom it may devise some means to make it pay. We are confident that, could the petitioner witness the earnest zeal, untiring energy, and unyielding perseverance, displayed by the members of this House in their honest and industrious efforts to regulate everything, from the laying out of a township road to reconstructing the General Government, he would admit it unnecessary to pray for "working members."

We recommend, however, taking all the circumstances into consideration, that the prayer of the petitioner be granted.

FINKBINE, Chairman.

The Committee on Ways and Means, to whom was referred House File No. 89, "A bill for an act to amend Section 752, and 759 of the revision of 1860," have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that the second Section be stricken out, and that the bill so amended do pass.

FINKBINE, Chairman.

The Committee on Ways and Means, to whom was referred the resolutions of the Board of Supervisors of Johnson county, asking for "the passage of a law, permitting counties to settle questions of doubtful indebtedness, and to issue their Bonds with proper rates of interest, in payment of such claims," and to "authorize the Board of Supervisors of counties, to sell indemnity scrip land belonging to the several counties, and located in any part of the State," have instructed me to report the accompanying bill, and recommend its passage.

FINKBINE, Chairman.

House File No. 257, A bill for an act to authorize and empower counties and cities to compromise and pay off certain bonds, coupons and judgments therein, and to provide means therefor, was read a first and second time, and ordered printed.

Mr. Rogers submitted the following reports from Committee on Schools:

MR. SPEAKER: The Committee on Schools, to whom was referred House File No. 226, A bill for an act to amend Section 29, of Chapter 172, of the acts of the Ninth General Assembly, have

had said bill under consideration, and have instructed me to report it back to the House with the recommendation that it do not pass.

J. N. ROGERS, Chairman.

The Committee on Schools, to whom was referred House File No. 185, A bill for an act to provide for the collection and settlement of the Eads school fund notes and mortgages, and for other purposes, have had the same under consideration, and report that in their opinion, Chapters 32 and 156, of the acts of the regular session of the Ninth General Assembly, will with some amendment, answer all the purposes of said bill, except so far as the same provides for the settlement of said notes and mortgages, by compromise with the makers thereof. The Committee, therefore, herewith report two bills, one for an act to amend said Chapters, 32 and 156, of the acts of the Ninth General Assembly, and one for an act to provide for such settlement by compromise; and they report back to the House said House File No. 185, with the recommendation that it lie on the table, and that the said bills reported by the Committee pass in lieu thereof.

J. N. ROGERS, Chairman.

The Committee on Schools, to whom was referred House File No. 176, A bill for an act to amend Sec. 84 of Chapter 172 of the Acts of the Ninth General Assembly, have had the same under consideration, and have instructed me to report it back to the House, and inasmuch as the provisions thereof are embodied in a bill for an act amendatory of the school laws, reported by the committee, they recommend that the bill herewith reported back do not pass.

J. N. ROGERS, Chairman.

The Committee on Schools, to whom was referred House File No. 178, A bill for an act to repeal Section 3 of Chapter 102 of the Acts of the Tenth General Assembly, have had the same under consideration, and have instructed me to report it back to the House with the recommendation that it do not pass.

J. N. ROGERS, Chairman.

The Committee on Schools, to whom was referred House File No. 165, A bill for an act to amend Section 73, Chapter 172, of the Acts of the Ninth General Assembly, passed April 8th, 1862, and the amendment thereto by the Acts of the Tenth General Assembly, Section 4, Chapter 102, prescribing the duties and increasing the compensation of county superintendents, have had the same under consideration, and have instructed me to report the same back to the House, and inasmuch as a substitute for the provisions thereof, is embodied in a bill for an act amendatory of the School Laws reported by this Committee, they recommend that the bill herewith reported back do not pass.

J. N. ROGERS, Chairman.

The Committee on Schools, to whom was referred House File 161, A bill for an act to increase the number of weeks that common schools shall be taught in each year, have had the same under

consideration and have instructed me to report it back to the House and recommend that it do not pass, inasmuch as a substitute for the provisions thereof is embodied in a bill for an act amendatory of the School Laws reported by the Committee.

J. N. ROGERS, Chairman.

The Committee on Schools to whom was referred House File No. 134, A bill for an act to amend Chapter 172 of the Acts of the Ninth General Assembly, and Chapter 102 of the Acts of the Tenth General Assembly, in relation to common schools, have had the same under consideration and have instructed me to report it back to the House, with the recommendation that inasmuch as so much of the provisions of the same as it appears to the Committee to be expedient to enact, have been embodied in the bill amendatory of the School Laws reported by the Committee, the bill herewith reported back do not pass.

J. N. ROGERS, Chairman.

The Committee on Schools, to whom was referred House File No. 116, A bill for an act to provide for the erection of school houses, have had the same under consideration, and have instructed me to report it back to the House, and recommend that it do not pass, inasmuch as a substitute for the provisions thereof is embodied in a bill for an act amendatory of the School Laws reported by the Committee.

J. N. ROGERS, Chairman.

The Committee on Schools, to whom was referred House File No. 115, A bill for an act to amend Sections 84 and 85 of the general school act passed at the Ninth General Assembly of the State of Iowa, have had the same under consideration, and have instructed me to report the same back to the House, with the recommendation that it do not pass.

J. N. ROGERS, Chairman.

The Committee on Schools to whom was referred House File No. 74, A bill for an act to amend an act entitled common schools, have had the same under consideration and have instructed me to report it back to the House, and to recommend that it do not pass, inasmuch as the act which said bill purports to amend, has itself been repealed, and a provision to carry out the design and intent of said bill, is incorporated into a bill for an act amendatory of the School Laws, reported by the Committee.

J. N. ROGERS, Chairman.

The Committee on Schools to whom was referred House File No. 68, A bill for an act to repeal Section 14 of Chapter 148 of the Laws of the Ninth General Assembly of the State of Iowa, have had the same under consideration and have instructed me to report it back to the House and to recommend its indefinite postponement.

J. N. ROGERS, Chairman.

The Committee on Schools, to whom was referred House File

No. 39, A bill for an act to amend Section 2 of Chapter 102 of the Acts of the Tenth General Assembly, relating to common schools, have had the same under consideration, and have instructed me to report it back to the House, and inasmuch as a substitute for the provisions thereof is embodied in the bill amendatory of the school laws reported by the Committee, they recommend that the bill herewith reported back do not pass.

J. N. ROGERS, Chairman.

Mr. Burnett reported the following bills from the Committee on Schools:

House File No. 258, A bill for an act to amend Chapter 172 of the Acts of the regular session of the Ninth General Assembly, passed April 8, 1862, in relation to schools.

Read first and second time and ordered to be printed.

House File No. 229, A bill for an act to provide for the settlement of the notes and mortgages taken by James D. Eads for money loaned by him out of the permanent school fund.

Read first and second time, and passed on File.

House File No. 260, A bill for an act to amend Chapter 32 of the Acts passed by the regular session of the Ninth General Assembly, and Chapter 156 of the acts of said session amendatory thereof.

Read first and second time, and passed on File.

House File No. 261, A bill for an act to authorize boards of school directors to subscribe for an educational journal.

Read first and second time, and passed on File.

House File No. 262, A bill for an act to authorize the Auditor of State to settle with the publishers of Webster's Unabridged Dictionary.

Read first and second time, and passed on File.

Mr. Clark, from the Committee on Claims, submitted the following reports:

The Committee on Claims, to whom was referred Senate File No. 30, "A bill for an act for the relief of D. B. Hillis," have had the same under consideration, and I am instructed to report the same back to this House and recommend its passage.

L. CLARK, Chairman.

The Committee on Claims, to whom was referred the claim of J. Simington, for fifty-five dollars, for two rotary upholstered chairs for Speaker of the House and President of the Senate, have had the same under consideration, and inasmuch as the Secretary of State was compelled to procure the said chairs at the above price, in order to comply with the resolutions of this House and the Senate directing him to furnish them, I am instructed to report the said claim back to this House, and recommend that the same be allowed, and that it be referred to the Committee on Ways and Means, with instructions to make provision for the payment of the same in the general appropriation bill.

CLARK, Chairman.

The report was concurred in, and the bill so referred.

The Committee on Claims, to whom was referred the claim of C. S. Wilson, for \$129.60, for translating the Governor's Biennial Message and Inaugural Address into the Holland language, and for printing the same, have had the said claim under consideration, and have instructed me to report the same back to this House with the recommendation that said claim be allowed, and that it be referred to the Committee on Ways and Means, with instructions to make provision for the payment of the same in the general appropriation bill.

CLARK, Chairman.

Report from committee concurred in, and the claim so referred:

The Committee on Claims, to whom was referred back the claim of R. A. Smith for four hundred and fifty-two dollars, for lumber furnished to build a stockade fort at Spirit Lake, in August, 1862, beg leave to report that they have had the same under consideration, and as your committee believes the said claim to be a just and equitable one, have directed me to report the same back to this House, with the recommendation that the same be allowed, and that it be referred to the Committee on Ways and Means, with instructions to make provision for the payment of the same in the general appropriation bill.

CLARK, Chairman.

The report was concurred in.

Mr. Crawford submitted the following report from the Committee on Claims.

Your committee, to whom was referred the claim of J. W. Millsap, for services of self and team during the troubles on the southern border in 1861, having had the same under consideration, would recommend that he be allowed the sum of ninety-five (\$95) dollars in full payment of said claim, and that the Committee of Ways and Means be instructed to provide for the payment of the same.

A. K. CRAWFORD,
For the Committee.

The report was concurred in.

Mr. Runyan submitted the following reports from Committee on County and Township Organization:

The Committee on County and Township Organization, to whom was referred House File No. 220, A bill for an act to amend sections 321 and 1389, of Revision of 1860, have had the same under consideration, and instruct me to report the same back and recommend it do pass.

ALEX. RUNYAN, Chairman.

MR. SPEAKER:—The Committee on County and Township Organization, to whom was referred House File No. 183, A bill for an Act for the Relief of Indigent Persons, have had the same under consideration, and instruct me to report the same with the fol-

lowing amendment, viz: "Strike out in section 5th all after Board of Supervisors, in 8th line of said section," and recommend its passage.

ALEX. RUNYAN, Chairman.

The Committee on County and Township Organization to whom was referred House File No. 188, A bill for an act to organize a commission to revise the present system of County and Township government, have had the same under consideration and have instructed me to report the same back and recommend that it do not pass.

ALEX. RUNYAN, Chairman.

The Committee on County and Township Organization to whom was referred Senate File No. 11, A bill for an act in relation to additional Justices of the Peace and their dockets, have had the same under consideration, and instruct me to report the same back and recommend its passage.

ALEX. RUNYAN, Chairman.

The Committee on County and Township Organization to whom was referred House File No. 229, A bill for an act to provide for the erection and management of Township Halls, have had the same under consideration and instruct me to report the same back without recommendation.

ALEX. RUNYAN, Chairman.

The Committee on County and Township Organization to whom was referred House File No. 202, A bill for an act to amend Sub-Division 2, of Section 710, Revision of 1860, have had the same under consideration and instruct me to report the same back with the following amendment and recommend its passage: Amend Section 1, by striking out all after the words "tax already levied" in the fifteenth line of said section, and insert, "the Board of Supervisors may levy an additional tax not exceeding two mills on a dollar to redeem such outstanding warrants.

ALEX. RUNYAN, Chairman.

Your Committee on County and Township Organization to whom was referred House File No. 207, A bill for an act to compel owners of dams to construct and attach thereto aprons or shutes, have had the same under consideration and instruct me to report the same back and recommend its indefinite postponement.

ALEX. RUNYAN, Chairman.

The Committee on County and Township Organization to whom was referred House File No. 155, have had the same under consideration, and have instructed me to draft a substitute for the original bill embodying the main features of said bill, and recommend its adoption.

JOHN GARBER,

Member of said Committee.

Your Committee on County and Township Organizations to whom was referred House File No. 55, A bill for an act to provide for the manner of electing Township Trustees and the length of

time they shall hold their office, with instructions, have had the same under consideration; and instruct me to report back said bill with a substitute for the same, and recommend that the substitute be put upon its passage.

CLOSE, Chairman.

Mr. Joy submitted the following reports from the Committee on Compensation of Public Officers:

The Committee on Compensation of Public Officers, to whom was referred House File No. 241, have had the same under consideration, and being of opinion that no change in the present law is necessary, have instructed me to report the same back to the House with the recommendation that the said bill be indefinitely postponed.

JOY, Chairman.

The Committee on Compensation of Public Officers, to whom was referred House File No. 10, have had the same under consideration, and being of the opinion that the proposed change in the law is not advisable, have instructed me to report the same back to the House with the recommendation that the said bill be indefinitely postponed.

JOY, Chairman.

The Committee on Compensation of Public Officers, to whom was referred the accompanying petitions for increasing the duties and compensation of county surveyors, have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that they be referred to the special Committee to whom the whole matter in reference to county surveyors has been referred.

JOY, Chairman.

The House concurred in the report, and the petition was so referred.

The Committee on Compensation of Public Officers, to whom was referred the accompanying petitions praying for an increase of jurisdiction of county judges, have had the same under consideration, and as the change prayed for would require a radical change in the judicial system of the State, have instructed me to report the same back to the House with the recommendation that the said petitions be referred to the Judiciary Committee.

JOY, Chairman.

The House concurred in the report from the Committee, and the petition so referred.

The Committee on Compensation of Public Officers, to whom were referred the several petitions asking an increase of compensation of Recorders, have had the same under consideration and have instructed me to report the accompanying bill to the House and recommend that the same do pass.

JOY, Chairman.

Mr. Joy reported a bill—House File No. 263, A bill for an act

to repeal Section 4143 of Chapter 162, of the Revision of 1860, and enact a substitute therefor.

Read first and second times and passed on file.

The Committee on Compensation of Public Officers, to whom was referred House File No. 48, have had the same under consideration and have instructed me to report the same back to the House with certain amendments, and as amended recommend that the same do pass.

JOY, Chairman.

AMENDMENTS PROPOSED BY THE COMMITTEE.

In the second section insert after the word "obtained" in the eighth line, the following: "When the records of his office show that the same has been paid in full."

In the last line in the third section strike out the word "verbal."

The Committee on Compensation of Public Officers, to whom was referred House File No. 103, with instructions, have had the same under consideration, and for the purpose of carrying into effect the will of the House have instructed me to report the same back with a substitute and recommend that the substitute do pass.

JOY, Chairman.

The Committee on Compensation of Public Officers, to whom was referred the petition of Adjutant General Baker asking compensation for services rendered as Acting Quartermaster General, have had the same under consideration, and while mindful of the valuable services rendered by him and the honor that he has reflected upon the State by the faithful discharge of his official duties, yet they regard the allowance of the prayer of the petitioner as establishing a dangerous precedent, as it would open the way for the presentation of innumerable claims of a like nature by those who have deserved well of their country, they are therefore of the opinion that the claim of the petitioner should not be allowed, and have instructed me to so report.

JOY, Chairman.

Your Committee on Compensation of Public Officers, to which was referred House File No. 137, A bill for an act to increase the compensation of township assessors, has had the same under consideration, and deeming such a change in the law inadvisable at the present time, has instructed me to report it back to the House, with the recommendation that it be indefinitely postponed.

SAFELY, for Committee.

The Committee on Compensation of Public Officers, to whom was referred the accompanying petitions praying for an increase in the compensation of justices of the peace, have had the same under consideration and being of the opinion that it is inexpedient to make any change in the present law fixing their compensation, have instructed me to report the same back to the House with the recommendation that the petitions be laid upon the table.

JOY, Chairman.

The House concurred in the report.

Mr. Wilcox submitted the following reports from the Committee on Banks and Banking:

The Committee on Banks, to whom was referred House File No. 225, "A bill for an act to repeal an act entitled an act to incorporate the State Bank of Iowa, and to enable it to wind up its affairs," have had the same under consideration, and instructed me to report the same back with a recommendation that it do pass.

P. C. WILCOX, Chairman.

The Committee on Banks, to whom was referred House File No. 224, "A bill for an act to repeal an act entitled an act authorizing general banking in the State of Iowa," have had the same under consideration, and instructed me to report the same back with a recommendation that it do pass.

P. C. WILCOX, Chairman.

The Committee on Banks, to whom was referred House File No. 171, "A bill for an act to retire the circulation of bank notes of the State Bank of Iowa," have had the same under consideration, and find that the provisions of this bill are contained in House File No. 225, and have instructed me to report the same back with a recommendation that it do not pass.

P. C. WILCOX, Chairman.

Mr. Glasgow, from the Committee on Military Affairs, submitted the following reports:

Your Committee on Military Affairs, to whom was referred House File No. 209, A bill for an Act relating to Adjutant General's Report for 1867, have had the same under consideration, and have instructed me to report the same back to the House with the following amendments:

"In the fourteenth line of the third section, strike out the word one, and insert the word five."

"In the seventeenth line of said section, insert after the word Treasurer, the words Sheriff and Superintendent of Common Schools," with the recommendation that said amendments be adopted, and that the Bill so amended do pass.

S. L. GLASGOW, Chairman.

Your Committee on Military Affairs, to whom was referred the petition of certain members of the Third Iowa Infantry, asking that the State refund to them the amount of money deducted from their pay on account of the clothing furnished by the State, have had the same under consideration, and it also appearing to your committee that certain members of the Second Iowa Infantry are in a similar condition, the committee have instructed me to report the accompanying bill to the House, with the recommendation that it pass.

S. L. GLASGOW, Chairman.

House File No. 264, A bill for an Act to provide for the refunding of certain moneys to the Second and Third Regiments Iowa Infantry.

Read first and second time, and passed on file.

Your Committee on Military Affairs being instructed by resolution of the House to inquire what legislation, if any, is necessary to secure to the First Iowa Cavalry their pay, and to report by bill or otherwise, have had the subject under consideration, and have instructed me to report the accompanying bill to the House, with the recommendation that it pass.

S. L. GLASGOW, Chairman.

House File No. 265, A bill for an Act to secure the back pay due the First Iowa Cavalry. Read first and second times, and passed on file.

Your Committee on Military Affairs, to whom was referred the petition of A. Ward, of Warren county, asking that a certain sum of money expended by him in raising recruits for the 17th Iowa Infantry, be refunded to him by the State, have had the same under consideration, and have instructed me to report that in the opinion of the Committee the claim should not be allowed by the General Assembly, but should be presented to the Auditor of State in accordance with the act passed at this General Assembly.

S. L. GLASGOW, Chairman.

Your Committee on Military Affairs being instructed by resolution of the House, to inquire into the expediency of repealing the present militia law, and substituting therefor an independent company system, have had the same under consideration, and have instructed me to report that such legislation at this time would be inexpedient and unnecessary, as Congress will no doubt pass the General Militia Law, now before that body, and further that an independent company system would not bring about the result sought to be obtained by a Militia Law.

S. L. GLASGOW, Chairman.

Your Committee on Military Affairs, to whom was referred House File No. 17, "A bill for an act exempting soldiers from military duty under State laws, and House File No. 113, A bill for an act to amend Chapter 84, Acts of the Tenth General Assembly, entitled an act to organize and discipline the militia, have had the same under consideration, and have instructed me to report the accompanying bill as a substitute therefor, with the recommendation that said substitute do pass.

S. L. GLASGOW, Chairman.

House File No. 266, A bill for an act for the relief of John Crow.

Read a first and second time, and passed on file.

Mr. Sherman, from the Committee on Railroads, submitted the following reports:

I am instructed by the Committee on Railroads to report back to the House, House File No. 65, A bill for an act to amend Chapter 159 of the laws of 1862, and recommend that it be put upon its passage.

SHERMAN, Chairman.

The Committee on Railroads to which was referred House File No. 170, A bill for an act to accept of the grant and carry into execution the trust conferred upon the State of Iowa, by an act of Congress entitled an act for a grant of land to the State of Iowa in alternate sections to aid in the construction of a railroad in said State, have had the same under consideration, and instruct me to report it back to the House with the following amendments, to-wit:

Amend Section 7 by inserting after the word "regulation" in the fourth line of said section, the words "and such restrictions of rates for the transportation of passengers and freight."

Strike out Section 9, and insert as follows:

SEC. 9. All persons who at the time said grant was made held valid claims by actual occupation and improvement upon any of the lands embraced in said grant, shall be protected in the same and entitled to purchase and enter the same upon the terms and conditions provided in Sections 1308 and 1309, Chapter 55 of the Revision of 1860.

SEC. 10. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Daily State Register, a newspaper published in Des Moines, and the Sioux City Journal, a newspaper published in Sioux City; said publications to be without expense to the State.

The Committee recommends the passage of the bill with the amendments herewith reported.

SHERMAN, Chairman.

Mr. Maxwell from the Committee on Roads and Highways submitted the following report:

The Committee on Roads and Highways to whom was submitted House File No. 36, A bill to amend Section 898, of the Revision of 1860, have had the same under consideration, and have instructed me to report back the following substitute and recommend its passage.

All of which is respectfully submitted,

GEO. M. MAXWELL, Chairman.

The Committee on Roads and Highways to whom was referred House File No. 152, have had the same under consideration, and have instructed me to report that in the opinion of the Committee, the power to vacate roads is vested in the Board of Supervisors, and that the General Assembly is prohibited from doing so by Section 30, of Article 3, of the Constitution of Iowa. The Committee have therefore instructed me to report this bill back to the House with the recommendation that it be indefinitely postponed.

All of which is respectfully submitted,

GEO. M. MAXWELL, Chairman.

The Committee on Roads and Highways have had under consideration the memorial of citizens of Van Buren, Davis, Jefferson, and Wapello counties, asking the Legislature to establish a highway, and believing that this Legislature has not the Constitutional

power to take the action desired, have directed me to report the same back with the recommendation that the prayer of the petitioners be not granted.

GEO. M. MAXWELL, Chairman.

Mr. Abbott from the Committee on Roads and Highways submitted the following report:

The Committee on Roads and Highways have had under consideration the petition of Daniel Fink, and others, asking for an appropriation of an amount of money to build a passable road across Skunk river bottom at Cambridge, Iowa, and directed me to report the same back with the suggestion that inasmuch as the appropriation asked for would in the estimation of the Committee, be unconstitutional, that the prayer of the petitioners be not granted.

ABBOTT, of Committee.

Mr. Fry from the Committee on Domestic Manufactures submitted the following report:

The Committee on Domestic Manufactures to whom was referred House File Nos. 163 and 236, in regard to encouraging the manufacturing of woolen and cotton goods, have had the same under consideration and a majority of said Committee have instructed me to report the accompanying substitute and recommend that the same be put upon its passage.

FRY, member of Committee.

Mr. Williams of Des Moines, from the Committee on Domestic Manufactures submitted the following report:

The Committee on Domestic Manufactures have had under consideration House File No. 214, A bill for an act to amend Sections 1267 and 1269, of the Revision of 1860, allowing juries to assess damages, and a majority of said Committee have instructed me to report the same back to the House and recommend that it be referred to the Committee on Judiciary, where a bill of a similar character is referred.

J. WILSON WILLIAMS, Chairman.

The report was concurred in and the bill so referred.

Mr. Russell from the Committee on Public Lands made the following report:

The Committee on Public Lands having considered House File No. 197, a bill for an act to permit Charles P. Brandriff to purchase certain school lands at \$1.25 per acre, have instructed me to report the same back to the House and recommend its passage.

RUSSELL, Chairman.

Mr. Holden from the Committee on Internal Improvements submitted the following reports:

The Committee on Internal Improvements to whom was referred House File No. 84, A bill for an act to encourage immigration to the State of Iowa, having had the same under consideration, have instructed me to report the accompanying substitute, and recommend its passage.

HOWARD M. HOLDEN, Chairman.

Your Committee on Internal Improvements, to whom was referred House File No. 162, A bill for an act to amend Chapter 52 of the Code of Iowa, Revision of 1860, entitled "corporations for pecuniary profit," have had the bill under consideration and beg leave to report the same back to the House, recommending its passage with the following amendments, viz: Strike out the word "majority" from the second and third lines of Section two and insert "quorum;" strike out the word "majority" from the fourth line of Section three and insert "quorum."

HOWARD M. HOLDEN, Chairman.

Mr. Thomson, from the Committee on Agriculture, submitted the following report:

MR. SPEAKER:—Your Committee on Agriculture, to whom was referred a resolution instructing them to consider and report on the propriety of further legislation "for the protection of sheep from dogs," have had the same under consideration and have instructed me to report the accompanying bill with a recommendation that it do pass.

H. M. THOMSON, Chairman.

The bill—House File No. 267, A bill for an act for the taxing of dogs and for the protection of sheep and other domestic animals, was read a first and second times and ordered printed.

Mr. Maxwell, from the Committee on Agriculture, submitted the following report:

The Committee on Agriculture, to whom was referred House File No. 235, A bill for an act to encourage the cultivation of live hedge fences, have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that it be indefinitely postponed.

All of which is respectfully submitted.

GEO. M. MAXWELL, for the Committee.

Mr. Close, from the Committee on Agriculture, submitted the following reports:

MR. SPEAKER:—Your Committee on Agriculture, to whom was referred Senate File No. 59, have had the same under consideration, and instruct me to report the same back to this House and recommend that it do pass.

CLOSE, Chairman.

Your Committee, to whom was referred the resolution asking the Committee on Agriculture to inquire into the expediency of enacting a law to exempt farm implements to the amount of five hundred dollars from taxation, have had the same under consideration and instruct me to report the same back with recommendation that no action be taken, and that no property should be exempt from taxation except such as is now exempt by law.

O. CLOSE, Chairman.

Your Committee on Agriculture, to whom was referred the petition of the citizens of Henry county praying this General Assembly to pass an act for the encouragement of planting timber upon our prairies by exempting the land from taxation for a cer-

tain number of years have had the same under consideration and instruct me to report the same back to this House, stating that the committee do not think that it would encourage the planting of timber by such exemption, and that the prayer be not granted.

CLOSE, Chairman.

Mr. Carbee, from the Committee on Elections, submitted the following report :

MR. SPEAKER:—The Committee on Elections have had under consideration a bill for an act to ascertain the citizens entitled to the right of suffrage, and to prevent fraudulent voting, the same being House File No. 213, and a majority of said Committee having concluded favorably thereon, have authorized me to report the same back to the House with a recommendation that it so pass.

CARBEE, Chairman.

Mr. Williams of Winnesheik, from the Committee on Incorporations, submitted the following reports :

Your Committee, to whom was referred House File No. 231, being a bill for an act prescribing the manner in which corporated cities and towns may dissolve their articles of corporation, have had the same under consideration, and have instructed me to report the same back to the House, with a substitute therefor, and recommend that the substitute do pass.

WILLIAMS, Chairman.

The Committee to whom was referred House File No. 114, being a bill relating to corporations and amendments to Chapter 52, of the Revision of 1860, have had the same under consideration, and have instructed me to report the same back to the House without recommendation.

H. B. WILLIAMS, Chairman.

Your Committee, to whom was referred House File No. 169, being a bill for an act declaring all additions to incorporate towns and cities a part of said towns or cities, have had the same under consideration, and have instructed me to report the same back and recommend the indefinite postponement of the same.

H. B. WILLIAMS, Chairman.

The Committee to whom was referred House File No. 180, being a bill to enable the city of Pella, in Marion county, to incorporate as a city of the second class, have had the same under consideration, and have instructed me to report the same back and recommend that it do not pass.

H. B. WILLIAMS, Chairman.

The Committee to whom was referred House File No. 218, being a bill for an act to repeal Section 1760, of the Revision of 1860, have had the same under consideration, and have instructed me to report the same back without recommendation.

H. B. WILLIAMS, Chairman.

The Committee to whom was referred House File No. 204, A

bill for an act to legalize the city election of the city of Knoxville and the re-organization of the city government, and the official acts of the city council of said city, have had the same under consideration, and have instructed me to report the same back and do recommend its passage.

H. B. WILLIAMS, Chairman.

Mr. Tracy, from the Committee on the Suppression of Intemperance, submitted the following reports:

The Committee on the Suppression of Intemperance, to whom was referred House File No. 253, A bill for "an act authorizing incorporated cities and towns to prohibit the manufacture and sale of malt, vinous, and other liquors, not prohibited by existing laws," having had the same under consideration, have instructed me to refer the same back to the House without recommendation.

L. D. TRACY, Chairman.

The Committee on the Suppression of Intemperance, to whom was referred House File No. 206, "A bill for an act to regulate the sale of beer, wine, and cider," having had the same under consideration, have instructed me to refer the same back to the House, with the recommendation that it be indefinitely postponed.

L. D. TRACY, Chairman.

The Committee on the Suppression of Intemperance, to whom was referred House File No. 233, "A bill for an act to amend section 1577, of the Revision of 1860, so as to compel witnesses to testify in certain cases," having had the same under consideration, have instructed me to refer the same back to the House, and recommend that it do pass.

L. D. TRACY, Chairman.

The Committee on the Suppression of Intemperance, to whom was referred House File No. 110, "An Act to amend Section 1578, of the Revision of 1860," have instructed me to refer the same back to the House, with the recommendation that it be referred to the Committee on Judiciary.

L. D. TRACY, Chairman.

The report was concurred in.

The Committee on the Suppression of Intemperance, to whom was referred a petition purporting to come from sundry citizens of Fayette county, asking for the repeal of the present prohibitory liquor law, have had the same under consideration, and finding several hundred names signed by one person, and believing that a portion of said names were signed to said petition without authority, have instructed me to refer the same back to the House, and recommend that the said petition be referred to the Representatives from Fayette county.

L. D. TRACY, Chairman.

The report of the Committee was concurred in, and the petition so referred.

The Committee on the Suppression of Intemperance, to whom

was referred the Resolutions of the City Council of the City of Burlington, requesting the Representatives from Des Moines county to use their influence in favor of the passage of a law giving to the incorporated cities of this State the exclusive control over the traffic in malt, vinous, and spirituous liquors within their respective corporate limits, have had the same under serious consideration, and having doubts in regard to the constitutionality of such a law, and believing that this would be a manifest infraction of the present prohibitory liquor law, and in view of the fact that the ladies of the said city of Burlington have sent us an earnest remonstrance against such action, as contemplated by said City Council of Burlington, have instructed me to refer the same back to the House, with the recommendation that the prayer of said City Council of Burlington be not granted.

L. D. TRACY, Chairman.

Mr. Brown of Winneshiek, from the Committee on Penitentiary, submitted the following report :

MR. SPEAKER :—The Committee on Penitentiary, to whom was referred House File 238, have had the same under consideration, and recommend that the same do pass.

BROWN, Chairman.

Mr. Goodrich, from the Committee on the Blind Asylum, submitted the following report.

The Committee on Blind Asylum, to whom was referred House File No. 124, A bill for an act to provide for the education and support of the Blind, having had the same under consideration, instruct me to report the same back and recommend its passage.

GOODRICH, Chairman.

Mr. Darwin, from the Select Committee, to whom was referred House File No. 157, A bill for an act affording relief to wounded and disabled Iowa soldiers, submitted the following report :

The Special Committee, (Darwin, Glasgow, Clark, Bolter and Barnes,) to whom was referred House File No. 157, A bill for an act affording relief to wounded and disabled soldiers, have had the same under consideration. The bill proposes pensions for certain Iowa soldiers.

Your Committee beg leave to say that they would profoundly sympathize with any practical movement that would promise to contribute to the consideration, honor, or profit of the soldiers of the Republic.

Among others, the following objections to the bill occur to us :

The pension proposed is too small in the instance to be of practical value to the soldiers, and too large in the aggregate to be practicable for the State.

The soldier of the war waged with the rebellion bore the banner of a whole and indivisible nation. If price is to be paid, that blood-cemented *whole* should pay the price of victory. Besides, for the several States to establish Bureaus of Pensions would savor

too much of that notion of divisibility of national interest which invoked rebellion.

An endeavor to compensate our soldiers with cash is a mistake. The services rendered have no standard of value and yet we feel that the wealth of the State would be unequal to their just reward.

Heroism, lofty courage, and exalted devotion, are not commodities of sale and barter. Coin obtains as compensation on the exchange. When, on the sanguinary fields of strife, justice lifts her standard, glory is the guerdon. The notion that blood and patriotism are merchantable is un-Republican and un-American and should not be avowed. These men fought for national integrity and honor—to offer them money is to demean their motive. In States where a king or an aristocracy can truly say, as did Louis: "*L'état c'est moi!*" ("I am the State") the soldier fights for another, and compensation properly comes in cash. But where each man is a sovereign, the soldier fights for his own realm, and in victory receives his reward. If further reward is proper, it will ensue, as the coming years freighted with renown and grace bear the most worthy of those who have saved the Republic into her places of administration and control.

Again, all loyal persons, each in his way, advanced the war. Some bore arms, some raised supplies, some assuaged wounds, some who were in the rear divided their substance with those who chose the front. Many who remained at home labored equally for their own and the soldiers' families. Others contributed to inflame the temper adequate to supply the rage of war.

In the result, one lost a member, one a fortune, and one a future—each according to the manner of his investment. Each, perhaps in his most effective sphere, fought for the flag. All helped to achieve its inviolability, and all participated in the resulting blessing. Those who contributed of their fortunes will yield the palm of glory to those who contributed of their blood, and those who gave the last will exempt those who gave the first from further sacrifice in their behalf.

The Committee, however, think that if there are any Iowa soldiers who are permanently disqualified for self support, they should receive it from the State in a form at once ample and honorable.

Regarding those who, as by the loss of a member, are but in part, disqualified, we think it should not be the policy to support them, but to enable them to support themselves, and that the providing of opportunities may be wisely left to the discrimination of the communities wherein such men are found. While they maintain themselves, they will be under no tendency to decline in self respect, independence or dignity, and other men will be drawn towards them by the voluntary exercise of good offices, and kind and respectful consideration. But were they made the consumers of an onerous tax, human infirmity, as it became sensible of the burden would incline to undervalue the services, and perhaps the idols

that to day are "decked with ceremonies," might to-morrow be disrobed.

While we are discharging the heavy debts now resting upon us; while we are nurturing into honorable manhood, and womanhood, the orphans scattered over the State, the remaining pecuniary obligations may be more safely committed to voluntary contributions than to forced levies of the State.

Besides, we have failed to learn that any Iowa soldier desires the enactment of either this or any similar bill. On the contrary, so far as we have become advised, soldiers look at this subject in the same light as your Committee.

We therefore report the bill back with the recommendation that it do not pass, and respectfully beg to be discharged.

CHARLES BEN DARWIN, Chairman.

Mr. Maxwell moved that the report be printed, which motion prevailed.

Mr. Williams of Winneshiek, from the Special Committee, to which was referred House File No. 95, A bill for an act to regulate grist mills, and define the duties of millers, and mill owners, submitted the following report:

The special Committee to whom was referred House File No. 95, being a bill for an act to regulate grist mills, and define the duties of millers and mill owners, have had the same under consideration, and have instructed me to report the same back to the House and recommend the passage of the accompanying substitute.

H. B. WILLIAMS, Chairman.

Mr. Poindexter, from the special Committee to which was referred House File No. 252, submitted the following report:

The special Committee to whom was referred House File No. 252, have had the same under consideration, and have authorized me to report the same back with the recommendation that the bill do pass.

POINDEXTER, Chairman.

Mr. Goodrich, from the special Committee to whom was referred the resolution providing for the relief of Catherine Desart, submitted the following report.:

MR. SPEAKER:—Your Committee, to whom was referred the resolution providing for the relief of Catherine Desart, have instructed me to report the accompanying bill.

GOODRICH, Chairman.

The bill, House File No. 268, "A bill for an act for the relief of Catherine Desart" was read a first and second time and passed upon the files.

Mr. Wilson of Jackson, from the select Committee to which was referred House File No. 127, submitted the following report:

Your special Committee, to whom was referred House File No. 127, and a resolution from the Board of Supervisors of Jackson

county requesting the General Assembly to enact another term of the District Court in said county, respectfully report back a substitute for House File No. 127, and recommend that the substitute do pass.

J. WILSON, Chairman.

Mr. Williams of Des Moines, from the select Committee to which was referred House File No. 182, submitted the following report :

The Committee of Surveyors, to whom was referred House File No. 182, have had the same under consideration, and instructed me to recommend the passage of a substitute therefor.

WILLIAMS of Des Moines, Chairman.

Mr. Gaylord, from the select Committee to which was referred House File No. 230, submitted the following report :

Your special Committee to which was referred House File No. 230, entitled " A bill for an act to provide for the orphans of the soldiers who perished in the service of the United States during the Great Rebellion " have had the same under consideration, and have instructed me to report the same back to this House with a recommendation that it do pass.

GAYLORD, Chairman.

INTRODUCTION OF BILLS.

Mr. Bereman introduced House File No. 269, A bill for an act to resume all lands conferred upon land grant railroad companies, and to reconvey the same upon new conditions, which was read a first and second times and referred to the Committee on Railroads and ordered printed.

Mr. Bennett introduced House File No. 270, A bill for an act to amend Chapter 162 of the Revision of 1860, relating to Justices' fees, which was read a first and second times and referred to the Committee on Compensation of Public Officers.

Mr. Bennett introduced House File No. 27, A bill for an act to authorize the clerk of the District Court to charge percentage on all moneys passing through his hands for the redemption of real estate sold for taxes, which was read a first and second times and referred to the Committee on the Compensation of Public Officers.

Mr. Bolter introduced House File No. 272, A bill for an act to legalize the acts of the Board of Supervisors of Harrison county in conveying certain swamp lands to the soldiers as bounty, which was read a first and second times and referred to Committee on Public Lands.

Mr. Brown, of Winneshiek, introduced House File No. 273, A bill for an act to amend Section 5177 of the Revision of 1860, and for other purposes, which was read a first and second times and referred to the Judiciary Committee.

Mr. Bennett introduced House File No. 274, A bill for an act to

provide for the election of Police Justices in cities of the second class, which was read first and second times and passed upon the files.

Mr. Close introduced House File No. 275, A bill for an act to legalize the acts of Majors in the U. S. service, which was read a first and second times and referred to the Judiciary Committee.

Mr. Conway introduced House File No. 276, A bill for an act directing County Treasurers to apply money paid for taxes to the oldest tax due from the person paying such money, which was read a first and second times and referred to Committee on Ways and Means.

Mr. Gamble introduced House File No. 277, A bill for an act to repeal Sec. 1620 of Chapter 65, of the Revision of 1860, which was read a first and second time and referred to Committee on Banks and Banking.

Mr. Godfrey introduced House File No. 278, A bill for an act to amend Section 4 of Chapter one of the Acts of the 8th General Assembly in relation to County Clerks' fees, which was read a first and second times and referred to Committee on Compensation of Public Officers.

Mr. Tracy moved that this House do now adjourn, which motion did not prevail.

Mr. Goodrich introduced House File No. 279, A bill for an act repealing Section 4152, Chapter 162, Revision of 1860 of the laws of Iowa, and for regulating the fees of Justices of the Peace, which was read a first and second times and referred to Committee on Compensation of Public Officers.

Mr. Goodrich introduced House File No. 280, A bill for an act to amend Sections 6 and 7 of Chapter 169 of the Acts of the 9th General Assembly entitled an act in relation to the duties of railroad companies, which was read a first and second times and referred to Committee on Railroads.

Mr. Holden introduced House File No. 281, A bill for an act to amend Chapter 52 of the Revision of 1860, which was read a first and second times and referred to the Committee on Incorporations.

Mr. Leffingwell introduced House File No. 282, A bill for an act constituting the Mayor and Council of any incorporated town or city a board of health, and defining their powers.

Read a first and second time, and referred to the Committee on Judiciary.

Mr. Leffingwell introduced House File No. 283, A bill for an act to amend an act entitled an act in relation to the duties of railroad companies.

Read a first and second time and referred to the Committee on Railroads.

Mr. Leffingwell introduced House File No. 284, A bill for an act to amend Chapter 45 of the Revision of 1860.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Linderman introduced House File No. 285, A bill for an act to increase the jurisdiction of county courts.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Mills introduced House File No. 286, A bill for an act requiring parents and guardians to send regularly to school all scholars between the ages of six and twelve years, during the time public schools are required to be taught, unless properly excused, and for other purposes.

Read a first and second time, and referred to the Committee on Schools.

Mr. Olmstead introduced House File No. 287, A bill for an act to protect game.

Read a first and second time, and referred to the Committee on Agriculture.

Mr. Olmstead introduced House File No. 288, A bill for an act to amend Section 64, Chapter 172, of the Acts of the regular session of the 9th General Assembly, relating to county superintendents.

Read a first and second time and referred to the Committee on Schools.

Mr. Russell introduced House File No. 289, A bill for an act for the purchase and distribution of copies of the second volume of the Iowa Digest.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Sapp introduced House File No. 290, A bill for an act to amend Section 1901, Chapter 81, of the Revision of 1860, in relation to unclaimed goods.

Read a first and second time and referred to the Judiciary Committee.

Mr. Safely introduced House File No. 291, A bill for an act to authorize and empower the town of Tipton, in the county of Cedar, and State of Iowa, to regulate or prohibit within the corporate limits of said town the manufacture and sale of ale, beer, wine, and other liquors not prohibited by existing laws.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Sipple introduced House File No. 292, A bill for an act concerning the rights of married women.

Read first and second times, and referred to the Committee on Judiciary.

Mr. Wilson of Dubuque, introduced House File No. 293, A bill for an act to provide for execution against deceased judgment debtors.

Read first and second time and referred to the Judiciary Committee.

Mr. Wilson of Dubuque, introduced House File No. 294, A bill for an act relative to the foreclosure of mortgages.

Read a first and second time and referred to the Judiciary Committee.

Mr. Wilson of Dubuque, introduced House File No. 295, A bill for an act to provide for an additional argument term of the Supreme Court.

Read a first and second time and referred to the Judiciary Committee.

Mr. Wilson of Dubuque, introduced House File No. 296, A bill for an act to protect game.

Read a first and second time and referred to the Committee on Agriculture.

Mr. Wilson of Jackson, introduced House File No. 297, A bill for an act to amend Section 2281, of the Revision of 1860, in relation to homesteads.

Read a first and second time and referred to the Judiciary Committee.

Mr. Wilson of Jackson, introduced House File No. 298, A bill for an act to legalize the official acts of J. Hilsinger, a Notary Public of Jackson county, Iowa.

Read a first and second time and referred to the Committee on Judiciary.

PETITIONS.

Mr. Glasgow presented four petitions from sundry citizens of Wayne county, praying against the repeal of the prohibitory liquor law.

Referred to Committee on Suppression of Intemperance.

Mr. Glasgow presented a petition from A. A. Power, and sundry citizens of Wayne county, praying for an increase of County Surveyors' fees.

Referred to the Committee, Williams of Des Moines, Chairman.

Mr. Tisdale presented a petition from C. O. Case, and other officials of Chickasaw county, asking for increase of compensation of County Surveyors.

Referred to the Committee on Compensation of Public Officers.

Mr. Thomson presented a remonstrance from James Herron, and sundry citizens of Scott county, against granting an extension of the limit of taxation for bridge purposes.

Referred to Committee on Roads and Highways.

Mr. Thomson presented a remonstrance from Isaac A. Sears, and sundry citizens of Scott county, against granting Boards of Supervisors the power to levy taxes heavier than at present provided for by law.

Referred to the Committee on County and Township Organization.

Mr. Bennett presented a petition from J. Reinhart, and thirty-six other citizens of Washington county, praying for an increase in Justices' fees.

Referred to Committee on the Compensation of Public Officers.

Mr. Abernethy presented a petition from J. Hobson, and twenty other Attorneys of Fayette county, for the passage of a law fixing the fees of Justices of the Peace.

Referred to the Committee on Compensation of Public Officers.

Mr. Joy presented a petition from A. S. Ward of Clay county, Iowa, praying that provisions be made for the payment for timber used in erecting block houses, &c., on the frontier.

Referred to the Committee on Claims.

Mr. Walden moved that when this House adjourn it be until 10 o'clock A. M., to-morrow, which motion prevailed.

Mr. Walden moved that this House do now adjourn, which motion prevailed and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, March 8th, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Kellison.

MESSAGE FROM THE SENATE.

The following messages were received from the Senate

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill:

House File No. 254, A bill for an act to amend an act entitled an act to define the time of holding Courts in the several Judicial districts of this State, passed march 23d, 1858.

Also Senate File No. 24, A bill for an act to amend clause 23, of Section 312, of the Revision of 1860, relating to the power to appropriate money in certain cases.

Also sundry House Joint Resolutions, passed by the Senate, asking additional mail facilities.

J. W. DIXON, Secretary.

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following resolution, in which the concurrence of the House is asked.

House concurrent resolution, relative to the report of the Swamp Land Indemnity Fund investigating Committee with amendments.

Also Senate concurrent resolution fixing time of adjournment of present session of the General Assembly.

Also Senate Joint Resolution, for the relief of Buchanan County.
J. W. DIXON, Secretary.

Mr. McNutt moved to suspend the reading of the Journal, with the exception of that part relating to introduction of bills and petitions, which motion prevailed.

That portion of the journal which was read, was approved.

Mr. Darwin asked leave of absence for Mr. Flanders for the balance of the week, which was granted.

By leave, Mr. Darwin submitted the following report:

MR. SPEAKER:—The Judiciary, to whom was referred House File 291, A bill for an act to authorize and empower the town of Tipton, in Cedar county, and State of Iowa, to regulate or prohibit within the corporate limits of said town the manufacture and sale of ale, beer, wine, and other liquors, not prohibited by existing laws," have considered the same, and deeming the same to be a law that would be unconstitutional if passed, recommend that the same be indefinitely postponed.

The following communication from the Attorney General, F. E. Bissell, was laid upon the table and ordered printed:

OFFICE OF ATTORNEY GENERAL, }
DUBUQUE, IOWA. }

To the House of Representatives of the State of Iowa :

I have received from your Honorable body the following preamble and resolutions:

"Whereas, on the 12th of May, 1864, the Congress of the United States passed an act, entitled 'An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State;' and whereas, the McGregor Western Railroad Company has gone forward and constructed several sections of ten miles each, of a railroad, which is claimed to be in accordance with the terms of said act of Congress, and the Governor of this State has certified forty miles of said railroad to the Secretary of the Interior; and whereas, it is feared by the people living along the line of the route contemplated in said act of Congress that the said McGregor Western Railroad Company may receive the lands to be patented to the State without fully complying with the provisions of said act of Congress, may exhaust the lands granted under said act before they shall have finished said railroad to the point designated in said act, in O'Brien county, and leave the people with no guaranty or security for the completion of said railroad as contemplated in said act of Congress; and whereas, there is a bill pending in this House which aims to guard against said contemplated evils, and numerous petitions are before this body asking for appropriate legislation in reference to said land grant and railroad; and whereas, differences of opinion exist as

to the authority the Legislature has in the premises, and how far it may control said lands before and after they are patented to the State; therefore be it

Resolved, By this House that the Attorney General of this State be requested to give his opinion, as soon as possible, on the following points, to-wit:

"1st. Is it necessary for the Legislature to accept the said railroad grant before exercising the authority given in section third of said act of Congress?

"2d. Does the authority given the Legislature of this State in the following words of section 3d of this act, 'That the lands hereby granted shall be subject to the disposal of the Legislature of Iowa for the purposes aforesaid,' include the power to prescribe the kind of evidence on which the Governor shall certify to the Secretary of the Interior, and the manner in which the lands patented to the State shall be transferred to the Railroad Company?

"3d. Can the Legislature prescribe that the lands patented to the State under the provisions of said act of Congress, or any portion of said lands, shall be held by the State as security for the *completion* of said railroad, to be transferred to the railroad company constructing the railroad contemplated in said act, and claiming the benefits of said land grant only on the completion of said railroad to the point in O'Brien county, as prescribed in said act of Congress, as a means of preventing the diversion of said lands from the object contemplated in said act?

"4th. Has this Legislature the power to appoint *commissioners* who shall certify to the Governor before he shall certify to the Secretary of the Interior, and to prescribe that the McGregor Western Railroad Company shall file an acceptance of the benefits and responsibility of said land grant, in the office of the Secretary of State, which acceptance shall recognize the authority of the State to withhold from the said railroad company such portion of the lands, to be patented to the State under the said act of Congress, as in its opinion will be sufficient to secure the completion of said road?

"This is not a full land grant. The land will be exhausted before the road is half completed. Can the Legislature withhold a portion of the lands as security for the building of the whole of the road? Does not the said act of Congress contemplate the application of the lands by the Legislature to the securing the construction of the whole of said road? Would it not be carrying out the provisions of said act of Congress to transfer the lands to the railroad company *pro rata*, as the road is completed?"

In reply to the same, I respectfully submit the following opinion:

FIRST. I do not think that it is necessary for the State to accept the grant referred to, by any formal act of legislation, although there can be no objection to its doing so. The railroad company is required to accept the grant, and its entire failure to do so, or a

failure to do so in a reasonable time, would probably give the State the right to assume the grant.

SECOND. The Governor is the executive officer of the State; he has only such power as is given him by the Constitution and laws of the State.

Under the act of Congress referred to, the Governor, in all he does, acts in his official capacity. I have no hesitation in holding that the Legislature may prescribe the kind of evidence which will authorize the Governor to issue his certificate to the Secretary, under Section 4 of said act.

The lands are granted by the United States, to the State of Iowa, which receives the title in trust, for the purposes stated in the act. The State can only part with this legal title by some legislative grant, or by authority conferred by legislative enactment upon some of its officers or agents.

It is the right and duty of the General Assembly to prescribe how this title shall be passed to the railroad company. The railroad company can only get the title through some act of the General Assembly.

THIRD. The first section of the act of Congress grants the lands to the State for a certain purpose, which is to construct a railroad from McGregor to a point in O'Brien county.

The grant is of the entire land described, to aid in constructing the entire road. The State is made the trustee to receive the title, and upon the Legislature, in Section 3, is conferred the power to dispose of the lands for the purposes contemplated by the act.

The act does not prescribe the time when, nor the manner in which the State shall convey these lands to the Railroad Company. This is all left to the Legislature. The United States must patent 100 sections of the lands to the State, upon the completion of each ten miles of road, but the act does not require the State to convey the same to the Company immediately. If the design had been to have the Railroad Company receive the title of each 100 sections as soon as the patents were required to be issued to the State, without any exercise of judgment or discretion on the part of the State, it would undoubtedly have been provided that the patents should issue directly to the Company.

It is, however, provided that unless the Railroad Company shall construct twenty miles of road each year, it should forfeit all claim to the lands, and the legal title would then be left in the State, still in trust for the construction of the road, but not in trust for the said Company.

I think the General Assembly has the power in its disposition of the lands to secure, by appropriate legislation, the *completion* of the line of railroad, and is not required to convey each 100 sections as the Company shall complete each ten miles of road.

FOURTH.—If the foregoing views of the act of Congress be correct, there can be no doubt but that the General Assembly may

appoint Commissioners with the power contemplated in the above resolutions.

The General Assembly could not divert the lands from the Railroad Company named, if it should neglect or refuse to file an acceptance with the conditions named in the foregoing joint resolution. If the Railroad Company should fully comply with all lawful requirements, it would be entitled to the lands. The General Assembly can control the title to the lands, and its own officers and agents, and the same end will be accomplished as to require an acceptance to be filed by the Company.

The General Assembly, I think, has *power* to reserve a portion or even the whole of said lands, until the full completion of the entire line of road.

F. E. BISSELL, Att'y General.

Mr. Gamble moved to suspend the rule, and take up House File No. 204, A bill for an act to legalize the city election of the city of Knoxville, and the re-organization of the city government, and the official acts of the city council of said city; which motion prevailed.

The bill was taken up, considered, ordered to be engrossed, and read a third time.

On motion of Mr. Gamble, the rule was suspended, and the bill read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bennett, Boomer, Bolter, Brown of Decatur, Brown Louisa, Brown of Madison, Brown of Van Buren, Brown of Wineshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Paimer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Wineshiek, Mr. Speaker—87.

The nays were none.

Absent or not voting, Messrs. Abernethy, Belt, Bereman, Clark, Fellows, Flanders, McPherson, Rogers, Tracy and Walden—10.

So the bill passed and the title was agreed to.

ENROLLED BILLS.

Mr. Ryan submitted the following report from the Committee on Enrolled Bills:

Your Committee on Enrolled Bills have examined substitute for House File No. 29 an act to protect the earnings of married women, and House File No. 90, an act to amend Section 10 of Chapter 22 of the Acts of the Tenth General Assembly. Also, substitute for House Files Nos. 41 and 35, an act to amend Chapter 89 of the Acts of the Tenth General Assembly, entitled an act for the relief of the families of soldiers and mariners in the service of the United States.

All of which are correctly enrolled, and I herewith present the same for your signature.

D. RYAN, Mem. of Com.

Mr. Finkbine moved to suspend the rule and take up Senate messages, which motion prevailed.

MESSAGE FROM THE SENATE.

Senate File No. 24, A bill for an act to amend Clause 23 of Section 312 of the Revision of 1860, relating to the power to appropriate money in certain cases, was read a first and second time and referred to the Committee on County and Township Organizations.

Senate File No. 171, A bill for an act to amend Section 1 of Chapter 128 of the Acts of the 10th General Assembly, was read a first and second times, and referred to the delegation from Washington county.

The Senate Joint Resolution for the relief of Buchanan county, was referred to the Committee on Claims.

The Senate amendment to the House concurrent resolution relative to the report of the Investigating Committee was concurred in requiring said Committee to report by the 15th inst.

The Joint Resolution relating to the plates on which Hall's Geological Report was printed, was adopted.

The Senate concurrent resolution fixing the time of final adjournment of the General Assembly was taken up.

Mr. Russell moved to amend by striking out "present session of the," which motion prevailed.

Upon the adoption of the resolution Mr. McNutt demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Beremen, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin,

Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—88.

The yeas were, Messrs. Bahl, Bolter and Sipple—3.

Absent or not voting, Messrs. Belt, Clark, Flanders, Martin, McPherson and Rogers.

So the resolution was adopted.

BILLS ON THIRD READING.

House File No. 60, A bill for an act to amend Section 4220 of Chapter 165 of the Revision of 1860, was read a third time and upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Beremen, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—91.

The nays were none.

Absent or not voting, Messrs. Belt, Clark, Flanders, Leffingwell, McPherson and Rogers—6.

So the bill passed and the title was agreed to.

House File No. 106, A bill for an act to pay bounties upon the scalps of certain wild animals, was read a third time, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman,

Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—89.

The nays were Mr. Barnes—1.

Absent or not voting, Messrs. Belt, Clark, Fellows, Finkbine, Flanders, McPherson, and Rogers—7.

So the bill passed and the title was agreed to.

House File No. 123. A bill for an act to amend Section 1 of Chapter 25, of the laws of the extra session of the Ninth General Assembly, was read a third time, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—89.

The nays were none.

Absent or not voting, Messrs. Belt, Bereman, Clark, Flanders, Knox, Martin, McPherson, and Rogers—8.

So the bill passed and the title was agreed to.

House File No. 118, A bill for an act to provide for the publication of general and local laws, and of the proceedings of Board of Supervisors in the several counties, was read a third time, and upon the question, "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Conway, Darwin, Dashiell, DeForest, Dwelle, Fellows, Finkbine, Gamble, Gaylord, Gary, Glasgow, Godfrey, Goodrich, Graves, Hale, Holmes, Holden, Huggins, Joy, Knapp, Landes, Leffingwell, Linderman, Maxwell, McNutt, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Serrin, Sherman, Sipple, Tracy, Thacher, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—74.

The nays were Messrs. Comfort, Crawford, Dudley, Emery, Fry, Gaylord, Garrett, Garber, Griffith, Hand, Lowdon, McCullough, Sapp, Safely, Travis, Wilson of Jackson—16.

Absent or not voting Messrs. Belt, Brown of Madison, Flanders, Martin, McPherson, Rogers, and Wilcox—9.

So the bill passed and the title was agreed to.

House File No. 111, A bill for an act to amend an act entitled, "Vacancies and Special Elections," was read a third time, and upon the question, "shall the bill pass?" the yeas were as follows:

Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Comfort, Conway, Crawford, Darwin, Dashiel, DeForest, Dudley, Dwelle, Emery, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—87.

The nays were none.

Absent or not voting Messrs. Belt, Clark, Close, Fellows, Finkbine, Flanders, Martin, McPherson, Rogers and Sherman—10.

So the bill passed, and the title was agreed to.

House File No. 57, A bill for an act to authorize the Board of Supervisors to compromise certain judgments in favor of the State.

Read a third time, and upon the question "shall the bill pass?" The yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Comfort, Conway, Crawford, Darwin, Dashiel, DeForest, Dudley, Dwelle, Emery, Finkbine, Fry, Gamble, Gaylord, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McCullough, McLaughlin, McKean, Mills, O'Brien, Olmstead, Palmer, Rohlf, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Tisdale, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—77.

The nays were Messrs. Bereman, Carbee, Close, Gary, McNutt, Morgan, Poindexter, Ryan, Travis, Thomson, Walden—11.

Absent and not voting, Messrs. Barker, Belt, Brown of Madison, Clark, Fellows, Flanders, Martin, McPherson and Rogers—9.

So the bill passed and the title was agreed to.

Substitute for House File No. 71, A bill for an act regulating appeals to the Supreme Court in certain cases.

Read a third time, and upon the question "shall the bill pass?" the yeas and nays were as follows.

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—88.

The nays were none.

Absent and not voting, Messrs. Belt, Clark, Flanders, Martin, McPherson, O'Brien, Rogers, Sipple and Thacher.

So the bill passed and the title was agreed to.

House File No. 94, A bill for an act to authorize courts upon granting change of venue in criminal cases, to require witnesses to enter into recognizance for their appearance at the court to which said change of venue may be granted.

Read a third time, and upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson, of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—86.

The nays were Mr. Bolter—1.

Absent or not voting, Messrs. Belt, Clark, Close, Fellows, Flanders, Martin, McPherson, Rogers, Sherman, and Tisdale—10.

So the bill passed and the title was agreed to.

Senate File No. 20, A bill for an act amending Section 4324, of the Revision of 1860, in relation to willful trespass.

Read a third time, and upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—89.

The nays were none.

Absent or not voting, Messrs. Belt, Clark, Fellows, Flanders, Martin, McPherson, Rogers, and Shernian—8.

So the bill passed and the title was agreed to.

House File No. 140, A bill for an act to credit Story county with certain sums of money.

Read a third time, and upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—88.

The nays were none.

Absent or not voting, Messrs. Belt, Carbee, Clark, Fellows, Flanders, Godfrey, McPherson, Rogers, and Sherman—9.

So the bill passed and the title was agreed to.

House File No. 141, "A bill for an act to amend Sec. 307 of the

Revision of 1860, in relation to the time of meeting of the Board of Supervisors," was read a third time.

Mr. Runyan moved that the bill be recommitted to the Committee on Judiciary, which motion prevailed.

Mr. Brown, of Winnesheik, moved that the House do now adjourn; which motion prevailed, and the House adjourned.

2 O'CLOCK P. M.

The House met pursuant to adjournment.

Mr. McNutt moved a call of the House, which motion prevailed.

The roll was called, and the following members found absent and unexcused, viz: Messrs. Abbott, Conway, Gaylord, Hale, Ryan, Sherman, Walden, Wilcox, and Wilson of Dubuque.

The Sergeant-at-Arms was ordered to bring in the absentees.

Mr. Tracy moved that further proceedings under the call be suspended.

The motion did not prevail.

Mr. Bennett moved that the vote by which the motion to suspend proceedings under the call was lost, be reconsidered.

Mr. Finkbine moved that the motion to reconsider be laid upon the table, which motion prevailed.

Mr. Close moved that the House do now adjourn.

Upon this motion, Mr. McNutt demanded the yeas and nays, which were as follows:

The yeas were Messrs. Ballinger, Brown of Van Buren, Gamble, Griffith, Lettingwell, Linderman, O'Brien, Thacher, Thomson—9.

The nays were Messrs. Abernethy, Alcorn, Barnes, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Winnesheik, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Hand, Holmes, Holden, Huggins, Joy, Kuapp, Knox, Landes, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sipple, Tracy, Travis, Tisdale, Thorn, Van Leuven, West, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—73.

Absent or not voting, Messrs. Abbott, Barker, Belt, Conway, Flanders, Gaylord, Godfrey, Hale, Martin, McPherson, Rogers, Sherman, Walden, Wilcox, and Wilson of Dubuque—15.

So the motion to adjourn was lost.

Mr. Finkbine moved that the absentees be excused.

The motion prevailed.

Mr. Close moved that further proceedings under the call be suspended, which motion prevailed.

House File No. 143, "A bill for an act to legalize the acts of the State Auditor and Treasurer in paying compensation to the Judges of the Supreme and District Courts, in the absence of any law authorizing the same, and to equalize such compensation," was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Barnes, Barker, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Clark, Close, Comfort, Conway, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Glasgow, Godfrey, Graves, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Leffingwell, Linderman, Maxwell, McCullough, McLaughlin, McKean, Morgan, Palmer, Rohlf, Runyan, Ryan, Sapp, Serrin, Sherman, Tracy, Travis, Tisdale, Thomson, Thorn, Van Leuven, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek, Mr. Speaker—58.

The nays were Messrs. Abernethy, Alcorn, Ballinger, Bahl, Bereman, Bolter, Brown of Decatur, Buck, Carbee, Crawford, Fellows, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Goodrich, Griffith, Landes, Lowdon, Martin, McNutt, Mills, O'Brien, Olmstead, Poin-dexter, Russell, Safely, Sipple, West, Wright, and Wilson of Marshall—33.

Absent or not voting, Messrs. Belt, Flanders, McPherson, Rogers, Thacher, and Walden—6.

The Chair decided that the bill had passed notwithstanding it had not received two-thirds of all the members elected to the House.

Mr. Finkbine appealed from the decision of the Chair.

Mr. Finkbine moved that the question involved in the subject matter of his appeal be referred to the Judiciary Committee.

The motion to refer was lost.

Upon the question, shall the decision of the Chair stand as the decision of the House? Mr. McNutt demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abbott, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Gary, Glasgow, Godfrey, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Rohlf, Runyan, Ryan, Sapp, Serrin, Sherman, Tracy, Travis, Tisdale, Thomson, Thorn, Van Leuven, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—66.

The nays were Messrs. Abernethy, Alcorn, Ballinger, Bolter,

Brown of Decatur, Crawford, Fellows, Fry, Gamble, Gaylord, Garrett, Garber, Lowdon, Martin, McNutt, Poindexter, Russell, Safely, Sipple, West, Wright, Wilson of Marshall—23.

Absent or not voting Messrs. Belt, Flanders, Goodrich, Hale, McPherson, Rogers, Walden, and Mr. Speaker—8.

So the decision of the Chair was sustained and the bill passed and the title was agreed to.

PETITIONS.

Mr. Sherman presented a petition from F. W. Palmer and sundry citizens of Polk County, asking for an increase of fees of Justices of the Peace.

Referred to the Committee on Compensation of Public Officers.

Mr. Martin presented a petition from S. W. Payne and sundry citizens of Boone County, praying to resume the lands from C. R. & M. R. R. R. Company.

Referred to the Committee on Railroads.

Mr. Goodrich presented a petition from John McMillan and sundry citizens of Fayette county, praying for such legislation as is necessary to prevent a misappropriation of the lands granted to the State for the use and benefit of the McGregor Western Railroad Company.

Referred to the Committee on Railroads.

Mr. Serrin presented a petition from J. T. Bartlett and two hundred and forty citizens of Iowa county, remonstrating against the repeal of the present prohibitory liquor law.

Referred to the Committee on the Suppression of Intemperance.

Mr. Serrin presented a petition from A. H. Willits and sundry citizens of Iowa County, praying for an increase of the fees of county Officers.

Referred to the Committee on Compensation of Public Officers.

Mr. Finkbine moved that the House do now adjourn.

The motion prevailed and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, March 9, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Manley.

Journal of yesterday read and approved.

Mr. Sapp moved to reconsider the vote by which the House concurred in the Senate concurrent resolution fixing the day for

the final adjournment of this session of the 11th General Assembly, and that the motion to reconsider be postponed until the 26th day of March.

The motion to postpone prevailed.

By leave, the name of Mr. Clark was called and recorded in the passage of House File No. 118.

By leave, Mr. Barnes submitted the following report :

The Committee on the Des Moines River Improvement, to whom was referred substitute for Senate File No. 41, have had the same under consideration and a majority of the Committee have instructed me to report the bill back to the House without amendment and recommend its passage.

BARNES, Chairman.

By leave, Mr. McNutt presented the following majority and minority reports from the Committee on Printing :

MR. SPEAKER :—The undersigned, a majority of the Committee on Printing, believing that the provisions of House File No. 199, entitled a bill for an act to provide for the translation into and publication in the German language of the laws of a general nature to be of doubtful expediency, do therefore report the bill back without recommendation.

D. G. GOODRICH,
D. H. EMERY,
HOWARD GRAVES,
G. L. GODFREY.

MR. SPEAKER :—The undersigned minority of the Committee on Printing, begs leave to dissent from the report of the majority on House File No. 199, and inasmuch as its provisions are in accordance with similar acts heretofore passed by previous General Assemblies, and that both policy and expediency require the enactment of such a law, I therefore recommend the passage of said bill.

SAMUEL McNUTT.

By leave, Mr. Bennett presented the following report :

MR. SPEAKER :—Your Special Committee, to whom was referred Senate File 171, have had the same under consideration, and report the same back without amendment, with the recommendation that it do pass.

G. G. BENNETT,
H. M. HOLDEN.

The bill, Senate File No. 171, A bill for an act to amend section one of chapter 128, of the acts of the Tenth General Assembly, was ordered to be engrossed and read a third time.

Mr. Bennett moved that the rule be suspended, the bill considered engrossed, and read a third time now. Carried.

The bill was read a third time, and, on the question, "shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of

Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rogers, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—88.

The nays were none.

Absent or not voting Messrs. Ballinger, Belt, Fry, Hale, Holden, McPherson, Rohlf, Russell, and Wilson of Dubuque—9.

So the bill passed, and the title was agreed to.

By leave, Mr. Darwin presented the following report, and accompanying bill, House File No. 299, A bill for an act to regulate some of the procedures attending the opening and organizing of the General Assembly, and to prescribe some of the duties of some of the State officers.

MR. SPEAKER:—The Judiciary on request present the accompanying bill for the consideration of the House.

DARWIN, Chairman.

Mr. Tisdale moved that the bill be laid on the table and printed, which motion did not prevail.

The bill was read a first and second time and placed on file.

By leave, Mr. Williams of Winneshiek presented the following report:

Your Committee to whom was referred House File No. 194, being a bill for an act to provide for making assessments and to promote the collection of taxes and assessments of cities and towns, have had the same under consideration and have instructed me to report the same back to the House and recommend that it do pass.

H. B. WILLIAMS, Ch'm.

By leave, Mr. Darwin presented the following reports:

The Judiciary to whom was referred Senate File No. 136. A bill for an act to legalize the acts of James Foster, Justice of the Peace of Guthrie county, Iowa, having considered the same recommend that it do pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 247, "A bill for an act to amend Section 3164, of the revision of 1860," having considered the same, recommend that it do pass.

DARWIN, Chairman.

The Judiciary, to whom was referred House File No. 273, "A

bill for an act to amend Section 5177, of the revision of 1860, and for other purposes," have had the same under consideration, and recommend that the same do pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 290, A bill for an act to amend Section, 1901, Chapter 81, of the revision of 1860, in relation to unclaimed goods," have had the same under consideration, and recommend that the same do pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 297, "A bill for an act to amend Section 2281 of the revision of 1860, in relation to the Homestead," have had the same under consideration, and recommend that the same be indefinitely postponed.

DARWIN, Chairman.

The Judiciary to whom was referred Senate File No. 113, "A bill for an act to legalize and make valid the acts of the County Treasurer of Jasper county, Iowa, in collecting the taxes on the tax list for said county, for the year 1860," have considered the same and recommend that it do pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 78, A bill for an act to provide for the making of general indexes of all instruments affecting the titles to real estate heretofore recorded in any county of this State and not so indexed, have considered the same, and report herewith a substitute which they recommend be put upon its passage.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 211, A bill for an act to amend Chapter 146 of the Revision of 1860, in relation to assignment and satisfaction of mortgages, having considered the same, recommend that it be indefinitely postponed.

DARWIN, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

I am directed to inform your Honorable Body that the Senate has passed the following bills, in which the concurrence of the House is respectfully asked :

Senate File No. 141, A bill for an act fixing the salaries of the Judges of the District Courts, and of the Supreme Court.

Senate File No. 189, A bill for an act to annex the township of Charleston in the county of Lee, to the townships of Jackson, Montrose, Des Moines and Van Buren in said county for judicial purposes.

I herewith return House File No. 6, A bill for an act defining the duties of the Register of the State Land Office, the same having passed the Senate without amendment.

Also House File No. 198, A bill for an act to provide for a special term of the district court in Lee county, the same having passed the Senate without amendment.

I am directed also to inform your Honorable Body that the Senate has concurred in the House amendment to the Joint Resolution providing for the adjournment of the Legislature on the 3d day of April.

J. W. DIXON, Secretary.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order, House File No. 227, A bill for an act amendatory to an act to provide for the loan of the permanent school fund, fixing the rate of interest thereon, and limiting the price at which school land may be sold, and for other purposes, passed by the Tenth General Assembly of the State of Iowa.

Mr. Russell moved that the House do now resolve itself into a Committee of the whole.

The motion prevailed and the House resolved itself into Committee of the whole on the special order, Mr. Barker in the chair.

The Committee rose, reported progress and asked leave to sit again.

Mr. Ryan from Committee on Enrolled Bills submitted the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File No. 254, an act to amend an act entitled an act to define the time of holding courts in the several Judicial Districts of this State, passed March 23, 1858, and find the same correctly enrolled and herewith present the same for your signature.

RYAN.

PETITIONS.

Mr. Boomer presented a petition from John Smith, and others, praying for the repeal of Sections 1 and 2, Chapter 143, of the laws of the Seventh General Assembly, which was referred to the Committee on Suppression of Intemperance.

Mr. Conway presented a petition from M. B. King, and others, citizens of Lucas county, asking for a change in the system of county government, which was referred to the Committee on County and Township Organization.

Mr. Knapp presented a remonstrance from seventy citizens of Hardin county, against the resumption of the land grant to the D. & S. C. R. R. Co., which was referred to the Committee on Railroads.

Mr. Sapp moved that the House adjourn, which prevailed and the House adjourned.

2 O'CLOCK P. M.

House met pursuant to adjournment.

SPECIAL ORDER.

The House resumed the consideration of the special order.

On motion of Mr. Boomer, the House resolved itself into Committee of the whole, Mr. Sapp in the chair.

The Committee rose, reported the bill back, and asked to be excused from further consideration of the subject. Granted.

Mr. Fellows offered a substitute for the bill.

On the question of the adoption of the substitute, the yeas and nays were demanded, and were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Bolter, Brown of Decatur, Buck, Comfort, Dwelle, Fellows, Gamble, Goodrich, Graves, Lowdon, Martin, O'Brien, Serrin, Sipple, Van Leuven, Wright, Wilson of Dubuque—20.

The nays were Messrs. Barnes, Bahl, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Burnett, Carbee, Clark, Close, Crawford, Darwin, Dashiell, DeForest, Dudley, Emery, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McNutt, McCullough, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlfis, Runyan, Russell, Ryan, Safely, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Walden, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winnesheik, Mr. Speaker—65.

Absent or not voting, Messrs. Ballinger, Barker, Belt, Conway, Flanders, Hale, McPherson, McLaughlin, Rogers, Sapp, Thorn, and Wilson of Marshall—12.

So the motion to adopt the substitute did not prevail.

Mr. Finkbine moved to strike out the words "and the bonds falling due July 1st, 1881," in the fourth line of Sec. 3. Carried.

Mr. Finkbine moved to strike out all after the word "act," in the sixth line of Sec. 5, and all of the seventh line. Carried.

Mr. Finkbine moved to strike out all of Sec. 6 after the word "bonds," in the fifth line. Carried.

Mr. Tracy moved to amend the amendment by adding, "and that they further provide that any county may have the privilege of sending any surplus on hand to the State Treasurer.

The amendment to the amendment did not prevail.

The question recurring upon the amendment offered by Mr. Finkbine, it was lost.

Mr. McKean moved to amend the motion by inserting after the words "called in," the words "except by resolutions of the Board of Supervisors."

The amendment did not prevail.

Mr. Morgan moved to re-commit the bill to the Committee on Ways and Means without instructions. Lost.

Mr. Holden moved to amend Mr. Maxwell's motion by striking out all the instructions, which amendment prevailed.

The question recurring upon Mr. Maxwell's motion as amended, the bill was referred to a Special Committee; and the Speaker appointed Messrs. Maxwell, Finkbine, Holden, Wilson of Du-buque, and Russell, as such Committee.

Mr. Martin presented a petition from A. Rutherford and others praying for the passage of an act regulating the rates to be charged for conveying passengers and freight on the railroads in the State, which was referred to the Committee on Commerce.

Mr. Thacher presented a petition from H. G. Miller and others asking for a change in the time for holding court in the 2d Judicial District, which was referred to a committee of the delegation from the 2d Judicial District.

Mr. Close presented a petition from H. S. Hastings and sundry citizens of Black Hawk county, praying for the repeal of the wine and beer clause in our present laws.

Referred to the Committee on Suppression of Intemperance.

Mr. Tracy presented similar petitions from W. C. Russell and 40 others, and from O. V. Brainard and 59 others, which were referred to the same committee.

Mr. Godfrey presented a similar petition from James Wright and other citizens of Polk county, which was referred to the same committee.

Mr. Mills presented a petition from Kate Smith and sundry other citizens of Audubon county, praying for the repeal of sections one and two, of chapter 143, of the laws of the Seventh General Assembly, legalizing the manufacture and sale of beer, wine and cider.

Referred to the Committee on Suppression of Intemperance.

Mr. Safely presented a petition from A. Isenhart and 59 other citizens, asking for the repeal of the law authorizing the manufacture and sale of beer, wine and cider.

Referred to the Committee on Suppression of Intemperance.

Mr. Sherman presented a similar petition from Sarah Deal and others, which was referred to the same committee.

Mr. Carbee presented a petition from Charles B. Golding and sundry citizens of Linn county, praying for the repeal of Section 1 and 2, Chapter 143, legalizing the manufacture and sale of beer, wine and cider.

Referred to the Committee on the Suppression of Intemperance.

Mr. Carbee presented a petition from A. J. Shepard and sundry citizens of Linn County, praying for the repeal of Section 1 and 2, Chapter 143, legalizing the manufacture and sale of beer, wine and cider.

Referred to the Committee on the Suppression of Intemperance.

Mr. Brown of Van Buren presented a petition from R. S. Carter and sundry citizens of Van Buren county, praying for the repeal of Section 1, Chapter 143, laws of 7th General Assembly, in relation to beer, wine and cider.

Referred to the Committee on the Suppression of Intemperance.

Mr. Brown of Van Buren presented a petition from M. O. Ketchum, and sundry citizens of Van Buren county, praying for the repeal of Section 1, Chapter 143, laws of the Seventh General Assembly, in relation to beer, wine and cider.

Referred to the Committee on the Suppression of Intemperance.

Mr. Garber presented a petition from James Sunderland and sundry citizens of Clayton county, praying that the General Assembly enact a law compelling State and County Officers to take an oath not to use intoxicating beverages during their terms of office.

Referred to the Committee on the Suppression of Intemperance.

Mr. Brown of Van Buren presented a petition from M. A. Craig and ninety-nine citizens of Van Buren county, asking a law requiring military and civil officers to take an oath not to drink intoxicating drinks during their term of office.

Referred to the Committee on the Suppression of Intemperance.

Mr. Sapp moved that the House do now adjourn.

The motion prevailed and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, March 10th, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Hughes.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked:

Senate File No. 195, A bill for an act to amend an act to create a Board of Examiners for the examination of school teachers, passed by the Board of Education, December 20, 1861.

JAMES M. WEART, Asst. Secretary.

Mr. Joy moved that the rule be suspended, and that the House take up the substitute for Senate File No. 41, A bill for an act

supplemental to Chapter 100, of the laws of the Tenth General Assembly, which motion prevailed, and the bill was taken up.

Mr. Dudley moved that the consideration of the bill be postponed until Wednesday next, on which question the yeas and nays were demanded, and were as follows :

The nays were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Fellows, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—87.

The yeas were Mr. Dudley.

Absent and not voting, Messrs. Belt, Brown of Madison, Flanders, Gamble, Hale, Linderman, McPherson, Rogers and Rohlfes—9.

So the motion to postpone did not prevail.

Mr. Glasgow moved that the rule be suspended and the bill read a third time now, which motion prevailed, and the bill was read a third time.

Upon the question " Shall the bill pass ? " the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—85.

In the negative, Mr. Dudley—1.

Absent or not voting, Messrs. Barker, Belt, Brown of Madison, Flanders, Hale, Linderman, McPherson, Palmer, Rogers, Rohlfes, Van Leuven—11.

So the bill passed and the title was agreed to.

By leave, Mr. Fry presented the following report :

The Committee on the Agricultural College and Farm to whom was referred House File No. 244, in relation to fixing the number of Trustees of the Agricultural College and Farm, have had the same under consideration and have instructed me to report the same back and recommend its passage.

FRY, for the Committee.

Mr. Fry moved that the bill, House File No. 244, A bill for an act to amend Sections 1715, 1716, 1939, of Chapter 67 of the Revision of 1860, and Sec. 6 of Chapter 121 of the Acts of the 10th General Assembly, fixing the number of Trustees of the Agricultural College and Farm, and for other purposes, be ordered engrossed and read a third time, which motion prevailed.

By leave, Mr. Darwin submitted the following reports :

The Judiciary to whom was referred a number of bills for legalizing the acts of several Notaries Public and a Commissioner of Iowa in Massachusetts herewith report back said bills, and also a bill including all the same, which they recommend be put upon its passage.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 110, A bill for an act to amend Section 1578 of the Revision of 1860, have had the same under consideration and recommend its indefinite postponement.

DARWIN, Chairman.

The Judiciary to whom was referred petitions from Davis, Fayette, Madison, Alamakee, Ringgold, Benton, Floyd, Appanoose, and Cedar counties, on the subject of enlarging the jurisdiction of county judges have considered the same and the matters involved therein, and inasmuch as a bill is now before the House responding to the wants of said petitioners, they present no bill upon the subject.

DARWIN, Chairman.

The Judiciary to whom was referred a petition of the Board of Supervisors of Clinton county for a township collector system, and a petition from sundry citizens of Madison county for a law providing for the establishment of lost corners, and a petition of sundry citizens of Jackson county for extending the territorial jurisdiction of justices of the peace, and a petition from sundry citizens of Keokuk county, have had all the same under consideration, and beg leave to state that bills on all these subjects are now before this House, and therefore they herewith report back the said petitions without any recommendation.

DARWIN, Chairman.

Mr. Darwin moved that House File No. 299, A bill for an act to regulate some of the procedures attending the opening and organization of the General Assembly, and to prescribe some of the

duties of some of the State officers, be referred to a select Committee.

The motion prevailed, and the Speaker appointed Messrs. Darwin, Russell, Barker, Finkbine, Runyan, and Sapp.

By leave, Mr. Thomson presented the following reports:

MR. SPEAKER:—Your Committee on Agriculture to whom was referred House File No. 296, A bill for an act to protect game, have had the same under consideration, and believing that change at the present time is unnecessary, have instructed me to report it back to the House and recommend that it be indefinitely postponed.

H. M. THOMSON, Chairman.

Your Committee on Agriculture to whom was referred House File No. 287, A bill for an act to protect game, have had the same under consideration, and believing that change at the present time is unnecessary, have instructed me to report it back to the House with a recommendation that it be indefinitely postponed.

H. M. THOMSON, Chairman.

Your Committee on Agriculture to whom was referred House File No. 23, A bill for an act for the more general advertisement of Estrays, House File No. 47, A bill for an act to amend the Estray law, House File No. 77, A bill for act prohibiting persons from harboring Estray animals without advertising the same, and House File No. 187, A bill for an act to more generally advertise Estrays, have had the same under consideration, and have instructed me to report the accompanying substitute for those bills, and being of opinion that the substitute provides for all the amendments necessary to the present Estray law, recommend that the substitute be adopted by the House and put upon its passage.

H. M. THOMSON, Chairman.

By leave, Mr. Thacher presented the following report from the special Committee:

MR. SPEAKER:—The special Committee to whom was referred the petition of members of the bar, and others of the Second Judicial District, praying for a change of time in holding courts in Van Buren and Appanoose counties, have had the same under consideration and instructed me to report the following bill and recommend its passage.

J. THACHER, Chairman.

By leave, Mr. Sherman presented the following reports:

The Committee on Railroads to whom was referred the petitions of a number of citizens living along the line of the Dubuque and Sioux City Road, asking action by the Legislature in reference to the extension of time for the completion of the road, return herewith the petitions and recommend that they lay on the table, the House having already acted on the subject matter of the petitions.

SHERMAN, Chairman.

The Committee on Railroads to whom was referred petitions

numerously signed by citizens along the line of the Iowa and Nebraska and Cedar Rapids Railroad, asking the passage of laws compelling railroads to conform to the law of common carriers, and to regulate a lower tariff of freight, would respectfully report that the Committee on Commerce have these subjects under consideration and have under preparation bills to meet the prayer of the petitions, and would therefore recommend the reference of said petitions to that Committee.

SHERMAN, Chairman.

The Committee on Railroads have had under consideration petitions of citizens of Montgomery county, asking 1st, That the legislature will take action to defeat the effort of certain parties to postpone the completion of land grant railroads until 1875; 2d, Asking for the several companies such legislative aid as will enable them to complete their contracts; and 3d, That they regard the efficiency displayed by the railroad companies in securing their interests in the grant as guaranty of their intentions to perform their agreement, and instruct me to report the same back and recommend that it lay on the table.

SHERMAN, Chairman.

The Committee on Railroads, to whom was referred petition of 110 citizens of Davis county asking relief from the exorbitant rates demanded by railroad companies for both passage and freight, return the same to the House and ask to be relieved from the further consideration of the subject.

SHERMAN, Chairman.

Mr. Runyan moved that House File No. 124, A bill for an act to provide for the education and support of the blind, be taken up, which motion prevailed.

Mr. Runyan moved that the bill be engrossed and read a third time. Carried.

Mr. Runyan moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Palmer, Poindexter, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—86.

The nays were none.

Absent or not voting, Messrs. Barker, Belt, Brown of Madison, Clark, Flanders, Gamble, Godfrey, McPherson, Olmstead, Rogers, and Rohlf's—11.

So the bill passed and the title was agreed to.

BILLS ON THIRD READING.

House File No. 126, A bill for an act relating to the Assistant Adjutant-General, was read a third time, and on the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—85.

The nays were Mr. Alcorn—1.

Absent or not voting, Messrs. Barker, Belt, Bolter, Brown of Decatur, Brown of Madison, Clark, Flanders, Gamble, McPherson, McCullough, Rogers, and Rohlf's—12.

So the bill passed and the title was agreed to.

House File No. 96, A bill for an act to amend section 710 and 312, of the Revision of 1860, was read a third time, and on the question, "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Buck, Burnett, Clark, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Palmer, Poindexter, Runyan, Russell, Ryan, Sapp, Serrin, Sipple, Tracy, Travis, Tisdale, Thorn, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—76.

The nays were Messrs. Alcorn, Brown of Winneshiek, Carbee,

Close, Gary, Garrett, Godfrey, Lowdon, Olmstead, Safely, Sherman, Thacher, Thomson, Van Leuven, West—14.

Absent or not voting Messrs. Ballinger, Belt, Brown of Madison, Flanders, McPherson, Rogers and Rohlf—7.

So the bill passed and the title was agreed to.

House File No. 72, A bill for an act to prevent the spreading of contagious diseases among swine, was read a third time, and on the question, "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Fellows, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—81.

The nays were Mr. Dudley—1.

Absent or not voting Messrs. Barker, Belt, Brown of Madison, Finkbine, Flanders, Godfrey, Goodrich, Maxwell, McPherson, O'Brien, Rogers, Rohlf, Sipple and Tisdale—14.

So the bill passed, and the title was agreed to.

Substitute for House File No. 136, "A bill for an act to amend Sec. 1 of Chapter 109, of the acts of the 10th General Assembly," was read a third time, and on the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Fellows, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—82.

The nays were none.

Absent or not voting, Messrs. Barker, Belt, Brown of Madison,

Dudley, Finkbine, Flanders, Godfrey, Goodrich, Maxwell, McPherson, O'Brien, Rogers, Rohlf, Sipple, and Tisdale—15.

So the bill passed, and the title was agreed to.

House File No. 88, "A bill for an act to prohibit one or more of the several owners of land inclosed in common, turning domestic animals, during certain seasons of the year, into such inclosure without consent of all the other owners," was read a third time, and upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—85.

The nays were Messrs. Ballinger and Bereman—2.

Absent or not voting, Messrs. Barker, Belt, Brown of Madison, Flanders, Martin, McPherson, McNutt, McLaughlin, Rogers, and Rohlf—10.

So the bill passed, and the title was agreed to.

Senate File No. 12, A bill for an act to amend Section 1133 of the Revision of 1860, in relation to incorporation of towns and cities, and to legalize the publication of the by-laws and ordinances of certain towns and cities heretofore passed and not published according to law, was read a third time, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Dashiell, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—81.

The nays were Messrs. Darwin, Hale, Sapp, Walden, Williams of Des Moines—5.

Absent or not voting, Messrs. Belt, Brown of Madison, Clark, DeForest, Flanders, Garrett, McPherson, McNutt, Rogers, Rohlf's, Wright—11.

So the bill passed.

Mr. Wilson of Jackson moved to amend the title by adding "and to legalize acts done under and by virtue of such ordinances," which amendment was adopted, and the title as amended was agreed to.

By leave Mr. Finkbine offered the following reports :

The Committee on Ways and Means to whom was referred House File No. 217, A bill for an act to provide for payment of taxes and the interest and principal of the school fund in treasury notes issued as legal tender, by the authority of the Government of the United States, have had the same under consideration and have instructed me to report the same back with the recommendation that it be indefinitely postponed.

FINKBINE, Chairman.

The Committee on Ways and Means to whom was referred Senate File No. 104, A bill for an act fixing the compensation of Referees, Surveyors and Assistants in partition cases, have had the same under consideration and have instructed me to report the same back recommending its passage.

FINKBINE, Chairman.

The Committee on Ways and Means to whom was referred Senate File No. 42, A bill for an act for the transfer of real estate, to regulate the assessment thereof, and facilitate the collection of revenue, have had the same under consideration and have instructed me to report the same back with the recommendation that it pass.

FINKBINE, Chairman.

By leave, Mr. Sherman presented the following report :

The special Committee to whom was referred House File, 215, A bill for an act providing for the completion of the geological survey of the State of Iowa, have had the same under consideration and report it back to the House with a substitute, and recommend that the substitute be adopted and put upon its passage.

SHERMAN, for the Committee.

Mr. Landes moved that House File No. 145, A bill for an act to apportion the State of Iowa into Representative Districts, be recommitted, which motion prevailed.

Mr. Brown of Madison, was excused from further attendance on the sessions of the House until next Wednesday.

Mr. Wilson of Dubuque, moved that when the House adjourn it be until 2½ o'clock. Carried.

Mr. Godfrey moved that the House do now adjourn, which motion prevailed, and the House adjourned.

2½ O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Russell moved a call of the House, which was ordered, and Messrs. Abbott, Alcorn, Barker, Belt, Bereman, Bennett, Bolter, Brown of Winneshiek, DeForest, Gamble, Gaylor, Garrett, Hale, Huggins, Leffingwell, McPherson, McNutt, McLaughlin, Poindexter, Rogers, Rohlf, Sapp, Tisdale, Thorn, West, Wilson of Dubuque, Wilson of Marshall, and Williams of Winneshiek, reported absent without leave.

Mr. McCullough moved that further proceedings under the call be dispensed with, which motion prevailed.

The Speaker appointed Mr. Knapp Teller for the Joint Convention on the part of the House.

Mr. Holden moved that a Committee of two be appointed to wait upon the Senate, and inform that Body that the House was ready to receive it in Joint Convention, which motion prevailed, and the Speaker appointed Messrs. Holden and Sipple.

The Committee reported their duty performed, and were discharged.

The Senate entered the Hall and took the seats assigned them.

JOINT CONVENTION.

The President of the Senate, Lt. Governor B. F. Gue, announced Senator Bridges as Teller on the part of the Senate. The Speaker of the House announced Mr. Knapp as Teller on the part of the House.

The President of the Joint Convention announced nominations for State Printer in order.

Senator Clarkson nominated F. W. Palmer.

Senator Knoll nominated William H. Merritt.

The joint roll was then called, with the following result:

Whole number of votes cast.....112.

Necessary to a choice..... 57.

Mr. Palmer received..... 96.

Mr. Merritt received 16.

Mr. Palmer, having received a majority of all the votes cast, was declared duly elected State Printer, for the term of two years from May, 1867.

Those who voted for Mr. Palmer were Messrs. Abernethy, Abbott, Barns, Bassett, Brayton, Bereman, Boomer, Bridges, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Bulis, Burnett, Carbee, Cattell, Clark of Johnson, Clarkson, Close, Conway, Crawford, Crookham, Darwin, Dashiell, Doud, Dudley, Dwelle, Edwards, Emery, Farwell, Finkbine, Fry, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand,

Hart, Henderson, Hilsinger, Hillyer, Holmes, Holden, Hunt, Joy, Knapp, King, Knox, Lakin, Landes, Larimer, Leake, Linderman, Maxwell, McMillan, McCullough, McKean, Mills, Meyer, Moore, Morgan, Oliver, Olmstead, Palmer, Parvin, Powers, Reed, Robertson, Runyan, Russell, Ryan, Sampson, Safely, Serrin, Sherman, Shippen, Smith, Stiles, Stubbs, Thacher, Tracy, Travis, Udell, Walden, Warren, West, Wharton, Wilcox, Wright of Cedar, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—96.

Those who voted for Mr. Merritt were Messrs. Ballinger, Bahl, Brown of Decatur, Buck, Comfort, Fellows, Hedges, Hollman, Knoll, Lowdon, Martin, O'Brien, Paulk, Sipple, Van Leuven, Wright of Alamakee—16.

The Joint Convention then proceeded to the election of State Binder.

Mr. Godfrey nominated J. S. Carter.

Mr. O'Brien nominated F. A. Kniffke.

The roll was then called with the following result:

Whole number of votes cast.....106

Necessary to a choice..... 54

Mr. Carter received..... 92

Mr. Gniffke received..... 14

Mr. Carter having received a majority of all the votes cast was declared duly elected State Binder for the term of two years from May, 1867.

Those who voted for J. S. Carter were Messrs. Abernethy, Abbott, Barns, Bassett, Brayton, Bereman, Boomer, Bridges, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Bulis, Burnett, Carbee, Cattell, Clark of Johnson, Clarkson, Close, Conway, Crawford, Darwin, Dashiell, Doud, Dudley, Dwelle, Edwards, Emery, Farwell, Finkbine, Fry, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Hart, Henderson, Hilsinger, Hillyer, Holmes, Holden, Hunt, Joy, Knapp, King, Knox, Lakin, Landes, Larimer, Leake, Maxwell, McMillan, McNutt, McCullough, McKean, Mills, Meyer, Moore, Morgan, Oliver, Olmstead, Palmer, Reed, Robertson, Runyan, Ryan, Sampson, Safely, Serrin, Sherman, Shippen, Smith, Stubbs, Thacher, Thomson, Tracy, Travis, Udell, Walden, Warren, West, Wharton, Wilcox, Wright of Cedar, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—92.

Those who voted for F. A. Gniffke were Messrs. Ballinger, Bahl, Brown of Decatur, Brown of Madison, Buck, Comfort, Fellows, Hedges, Hollman, Knoll, Lowdon, O'Brien, Paulk, Sipple, Van Leuven—14.

The Joint Convention then proceeded to the election of a Warden of the Penitentiary.

Mr. Darwin nominated Martin Heisey.

Senator Hollman nominated John G. Kennedy.

The roll was then called with the following result:

Whole number of votes cast.....	106
Necessary to a choice	54
Mr. Heisey received.....	91
Mr. Kennedy received.....	15

Mr. Heisey having received a majority of all the votes cast, was declared duly elected Warden of the Penitentiary for the term of two years from the close of the term of the present incumbent.

Those who voted for Mr. Heisey were Messrs. Abernethy, Abbott, Barnes, Bassett, Brayton, Bereman, Boomer, Bridges, Brown of Louisa, Brown of Van Buren, Brown of Winnesheik, Bulis, Burnett, Carbee, Cattell, Clark of Johnson, Clark of Tama, Clarkson, Close, Conway, Crawford, Darwin, Dashiell, Doud, Dudley, Dwelle, Edwards, Emery, Farwell, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Graves, Griffith, Hand, Hart, Henderson, Hilsinger, Hillyer, Holmes, Holden, Hunt, Johnson, Joy, Knapp, King, Knox, Lakin, Landes, Larimer, Leake, Maxwell, McMillan, McCullough, McKean, Mills, Meyer, Moore, Morgan, Oliver, Olmstead, Palmer, Reed, Robertson, Runyan, Ryan, Sampson, Safely, Serrin, Sherman, Shippen, Stubbs, Thacher, Thomson, Tracy, Travis, Udell, Van Leuven, Walden, Warren, West, Wharton, Wilcox, Wright of Cedar, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—91.

Those who voted for Mr. Kennedy were Messrs. Ballinger, Bahl, Brown of Decatur, Buck, Comfort, Fellows, Hedges, Hollman, Knoll, Lowdon, Martin, O'Brien, Paulk, Sipple, Wright of Alamaakee—15.

The joint convention then proceeded to the election of Trustees of the State University.

Mr. Finkbine nominated R. M. Burnett.

Senator Hunt nominated H. C. Bulis.

Senator Henderson nominated C. F. Clarkson.

Senator Stubbs nominated C. W. Slagle.

Mr. Ballinger nominated Thomas H. Benton, Robert Percival, Thomas Johnson, and Charles Paulk.

The roll was then called with the following result :

Whole number of votes cast.....	100
Mr. Burnett received.....	86
Mr. Clarkson received.....	86
Mr. Slagle received.....	86
Mr. Bullis received.....	86
Mr. Benton received.....	14
Mr. Percival received.....	14
Mr. Johnson received.....	14
Mr. Paulk received.....	14

Messrs. Burnett, Slagle, Clarkson, and Bullis, having received a majority of all the votes cast were declared duly elected Trustees of the State University for the period of two years from and after the expiration of the term of the present incumbents.

Those who voted for Messrs. Benton, Percival, Johnson, and Paulk were Messrs. Ballinger, Bahl, Brown of Decatur, Buck, Comfort, Fellows, Hedges, Holliman, Knoll, Lowdon, O'Brien, Paulk, Sipple, Wright—14.

Those who voted for Messrs. Burnett, Clarkson, Slagle, and Bulis, were Messrs. Aternethy, Abbott, Barnes, Bassett, Brayton, Bereman, Bridges, Brown of Louisa, Brown of Van Buren, Brown of Winnesheik, Bulis, Burnett, Carbee, Clarkson, Close, Crawford, Darwin, Dashiell, Doud, Dudley, Dwelle, Edwards, Emery, Farwell, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Graves, Griffith, Hand, Hart, Henderson, Hilsinger, Holmes, Holden, Hunt, Joy, Knapp, King, Knox, Lakin, Landes, Larimer, Leake, Maxwell, McMillan, McCullough, McKean, Mills, Meyer, Moore, Morgan, Olmstead, Palmer, Reed, Robertson, Runyan, Russell, Ryan, Sampson, Safely, Sherman, Shippen, Smith, Stubbs, Thacher, Tisdale, Tracy, Travis, Udell, Van Leuven, Walden, Warren, West, Wharton, Wilcox, Wright of Cedar, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—86.

The following certificates were then signed, and read in the presence of the Joint Committee :

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 10, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 10th day of March, A. D., 1866, for the purpose of electing a State Printer, Francis W. Palmer having received a majority of all the votes cast for said office, was declared duly elected State Printer for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 10th day of March, A. D., 1866.

B. F. GUE,
President of the Senate.

ED WRIGHT,
Speaker of House of Representatives.

C. G. BRIDGES,
Teller of the Senate.

THOS. B. KNAPP.

ATTEST :

Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 10, 1866. }

This is to certify, That at an election by the two Houses of the

General Assembly of the State of Iowa, in joint convention, on Saturday the 10th day of March, A. D., 1866, for the purpose of electing a State Binder, J. S. Carter having received a majority of all the votes cast for said office, was declared duly elected State Binder for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 10th day of March, A. D., 1866.

B. F. GUE,
President of the Senate.

ED WRIGHT,
Speaker of the House of Representatives.

ATTEST:

C. G. BRIDGES,
Teller of the Senate.

THOS. B. KNAPP,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 10, 1866. }

This is to certify, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday the 10th day of March, A. D., 1866, for the purpose of electing a Warden of the State Penitentiary, Martin Heisy having received a majority of all the votes cast for said office, was declared duly elected Warden of State Penitentiary for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 10th day of March, A. D., 1866.

B. F. GUE,
President of the Senate.

ED WRIGHT,
Speaker of the House of Representatives.

ATTEST :

C. G. BRIDGES,
Teller of the Senate.

THOS. B. KNAPP,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 10, 1866. }

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday, the 10th day of March, A. D., 1866, for the purpose of electing a Trustee of the State University, R. M. Burnett having

received a majority of all the votes cast for said office, was declared duly elected Trustee of State University for the term of four years from and after the expiration of the term of J. F. Dillon, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 10th day of March, A. D. 1866.

B. F. GUE,
President of the Senate.

ED. WRIGHT,
Speaker of the House of Representatives.

C. G. BRIDGES,
Teller of the Senate.

ATTEST:

THOS. B. KNAPP,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 10, 1866. }

This is to certify, that at an election by the two houses of the General Assembly of the State of Iowa, in joint convention, on Saturday, the 10th day of March, A. D. 1866, for the purpose of electing a Trustee of the State University, H. C. Bulis having received a majority of all the votes cast for said office, was declared duly elected Trustee of State University for the term of four years from and after the expiration of the term of Thompson Bird, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 10th day of March, A. D. 1866.

B. F. GUE,
President of the Senate.

ED WRIGHT,
Speaker of the House of Representatives.

C. G. BRIDGES,
Teller of the Senate.

ATTEST:

THOS. B. KNAPP,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 10, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 10th day of March, A. D. 1866, for the purpose of electing a Trustee of the State University, C. F. Clarkson having received a majority of all the votes cast for said office, was declared duly elected Trustee of the State University for the term of four years from and after the expiration of the term of S. W. Cole, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 10th day of March, A. D., 1866.

B. F. GUE,
President of the Senate.
ED WRIGHT,

Speaker of the House of Representatives.

ATTEST:

C. G. BRIDGES,
Teller of the Senate.
THOS. B. KNAPP,

Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 10, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 10th day of March, A. D. 1866, for the purpose of electing a Trustee of the State University, C. W. Slagle, having received a majority of all the votes cast for said office, was declared duly elected Trustee of the State University for the term of four years from and after the expiration of the term of Francis Springer, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention this 10th day of March A. D., 1866.

B. F. GUE,
President of the Senate.
ED WRIGHT,

Speaker of the House of Representatives.

ATTEST:

C. G. BRIDGES,
Teller of the Senate.
THOS. B. KNAPP,

Teller of the House of Representatives.

Mr. Stubbs moved that the Joint Convention be now dissolved, which motion prevailed and the Joint Convention adjourned *sine die*.

PETITIONS.

Mr. Gaylord presented a petition from John Smith and others, citizens of Floyd county, praying for the enactment of a more stringent liquor law, which was referred to the Committee on the Suppression of Intemperance.

Mr. Brown of Winneshiek, presented a similar petition from citizens of Winneshiek county, which was referred to the same committee.

Mr. Williams of Winneshiek, presented a petition from James Haney and other citizens of Winneshiek county, praying for no change in the liquor law.

Referred to the Committee on Suppression of Intemperance.

Mr. Walden presented two petitions from S. D. Hickman, Amos A. Hays and sundry citizens of Appanoose county, praying for no change in the liquor law.

Referred to the Committee on Suppression of Intemperance.

Mr. Maxwell presented a petition from J. E. Thomas and other citizens of Story county, praying for a more stringent liquor law.

Referred to the Committee on Suppression of Intemperance.

Mr. Gaylord presented a similar petition from citizens of Floyd county, which was referred to the same committee.

Mr. Williams of Winneshiek, presented a similar petition from citizens of Winneshiek county, which was referred to the same committee.

Mr. Williams of Winneshiek, presented a petition from G. R. Willet and other citizens of Winneshiek county, praying for legislation in relation to the McGregor Western Railroad Company.

Referred to the Committee on Railroads.

Mr. Gaylord presented a similar petition from citizens of Floyd county, which was referred to the same committee.

Mr. Brown of Winneshiek, presented a petition from Wm. Cox and other citizens of Winneshiek county, praying for repeal of Sections 1 and 2, Chap. 143, of the laws of the 7th General Assembly, legalizing the manufacture of beer, wine and cider.

Referred to the Committee on Suppression of Intemperance.

Mr. Abbott presented a petition from J. D. Baily, and sundry citizens of Dallas county, praying that the General Assembly enact a law that civil officers shall take an oath not to use intoxicating beverages during their terms of office.

Referred to the Committee on Suppression of Intemperance.

Mr. Finkbine moved that the House do now adjourn, which motion prevailed and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, {
DES MOINES, March 12, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Vernon.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body

that the Senate has passed the following bill, in which the concurrence of the House is asked :

Senate File No. 140, A bill for an act to amend Chapter 98, of the acts of the Tenth General Assembly, entitled an act providing for the formation of the Twelfth Judicial District, and fixing the time of holding courts in the Tenth and Eleventh Judicial Districts, and providing for the election of a District Judge and District Attorney in the Twelfth Judicial District.

I return herewith House File No. 63, A bill for an act to secure to certain persons, residents in Harrison county, their homes at the price of \$1.25 per acre, of lands known as the excess 500,000 grant, it having passed the Senate without amendment.

I also return concurrent resolution relative to printing on parchment the Joint Resolution ratifying the Constitutional amendment abolishing slavery, the Senate having concurred therein.

JAMES M. WEART, Asst. Secretary.

The Committee on Engrossed Bills presented the following report :

MR. SPEAKER:—Your Committee on Engrossed Bills have examined the following House Files and report the same as correctly engrossed :

House File No. 244, A bill for an act to amend Sections 1715, 1716, 1739, of Chapter 67, of the Revision of 1860, and Section 6, of Chapter, 121, of the acts of the Tenth General Assembly fixing the number of Trustees of the Agricultural College and Farm, and for other purposes.

House File No. 208, A bill for an act to authorize the city councils of cities in this State to grant the use of the streets of said cities for the construction of horse railroads.

L. DWELLE, Chairman.

Mr. Sherman moved the appointment of a special Committee of five whose duty it shall be : 1st, To examine and report as to the allegations of fraud and misrepresentation against the American Emigrant Company, by Wm. Baker, Swamp Land Agent, and by Commissioner Edmunds. 2d, To prepare and report a memorial addressed to the Secretary of the Interior, disavowing on the part of the State any knowledge of or participation in the alleged fraud on the part of the American Emigrant Company in prosecuting claims for Swamp Land, should such charges of fraud be found true, and urging upon the Secretary the necessity of adjusting all claims of the counties under the Swamp Land Grant not tainted with fraud.

The motion prevailed, and the Speaker appointed Messrs. McKean, Goodrich, Fellows, Safely, and Walden.

BILLS ON THIRD READING.

House File No. 130, "A bill for an act to secure to certain per-

sons, residents of Wayne county, Iowa, their homes at the rate of \$1.25 per acre, of lands known as the excess of the 500,000 acre grant," was read a third time, and on the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—90.

The nays were none.

Absent or not voting, Messrs. Barker, Brown of Madison, Clark, Landes, Martin, O'Brien, and Rogers—7.

So the bill passed, and the title was agreed to.

Senate File No. 36, A bill for an act to legalize the articles of incorporation of the Norwegian Lutheran College of Decorah, Iowa, was read a third time, and on the question, "shall the bill pass?"

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—90.

Absent or not voting Messrs. Barker, Brown of Madison, Dwelle, Hale, Landes, Martin, and Rogers—7.

So the bill passed, and the title was agreed to.

Senate File No. 44, "A bill for an act changing the corporate name of independent school district-townships," was read a third

time, and on the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiel, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik. Mr. Speaker—90.

The nays were none.

Absent or not voting, Messrs. Brown of Madison, Clark, Hale, Landes, Martin, McNutt, and Rogers—7.

So the bill passed, and the title was agreed to.

House File No. 244, A bill for an act to amend Sec. 1715, 1716, 1739, of Chap. 67, of the Revision of 1860, and Sec. 6 of Chap. 121, of the acts of the 10th General Assembly, fixing the number of Trustees of the Agricultural College and Farm, and for other purposes, was read a third time, and on the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiel, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Leffingwell, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik. Mr. Speaker—89.

The nays were none.

Absent or not voting, Messrs. Ballinger, Barker, Brown of Madison, Landes, Linderman, Martin, Rogers, and Sapp—8.

So the bill passed and the title was agreed to.

Senate File No. 2, A bill for an act to provide for the election of township collectors, and to define their powers and duties, was read a third time.

Mr. Walden moved the previous question, which was seconded, and the main question ordered.

On the question, "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Barker, Bahl, Belt, Boomer, Bolter, Brown of Louisa, Carbee, Comfort, Dudley, Fellows, Fry, Gaylord, Garber, Holmes, Knapp, Leffingwell, Lowdon, Maxwell, McPherson, McLaughlin, McKean, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sipple, Tisdale, Thomson, Thorn, Van Leuven, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, and Mr. Speaker—43.

The nays were Messrs. Abernethy, Ballinger, Barnes, Bereman, Bennett, Brown of Decatur, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Finkbine, Flanders, Gamble, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holden, Huggins, Joy, Knox, Linderman, McNutt, McCullough, Mills, Morgan, Sapp, Sherman, Tracy, Thacher, Travis, Walden, West, Wilcox, Williams of Des Moines, Williams of Winneshiek—50.

Absent or not voting Messrs. Brown of Madison, Landes, Martin and Rogers—4.

So the bill was lost.

Mr. Hale moved to reconsider the vote last taken.

Mr. Sapp moved to lay the motion to reconsider on the table, which motion prevailed, and the bill was tabled.

House File No. 284, A bill for an act to legalize the proceedings of certain county courts, and to repeal Section 262 of the Revision of 1860, was read a third time, and on the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Ryan, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—88.

The nays were none.

Absent or not voting, Messrs Brown of Madison, Flanders, Comfort, Hale, Landes, Martin, Rogers, Russell, Sapp—9.

So the bill passed, and the title was agreed to.

House File No. 208, A bill for an act to authorize the city councils of cities in this State to grant the use of the streets of said cities for the construction of Horse railroads, was read a third time and on the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Ballinger, Barnes, Barker, Belt, Beremen, Bennett, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Griffith, Hale, Holmes, Huggins, Joy, Knapp, Knox, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McCullough, Mills, Morgan, Poindexter, Rohlf, Runyan, Ryan, Sapp, Safely, Sherman, Sipple, Thacher, Tisdale, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—64.

The nays were Messrs. Alcorn, Bahl, Boomer, Bolter, Brown of Louisa, Brown of Winneshiek, Carbee, Flanders, Fry, Graves, Hand, McNutt, McLaughlin, McKean, Olmstead, Palmer, Serrin, Tracy, Thomson, Thorn, Van Leuven, Walden, Wilson of Jackson—23.

Absent or not voting, Messrs. Barker, Brown of Madison, Crawford, Gamble, Gaylord, Holden, Landes, Martin, Rogers, Russell—10.

So the bill passed and the title was agreed to.

Mr. Gamble asked and obtained leave of absence for the day.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order being House File 245, A bill for an act limiting charges and defining the duties of Railroad Companies, was taken up.

Mr. Glasgow offered the following resolution:

Resolved, That this bill be referred to a special committee of five persons with instructions to take testimony and obtain information for the benefit of the House in fixing a tariff of rates for the transportation of freight and passengers on Railroads in this State, and that said committee be instructed to report on next Monday.

Upon the question of the adoption of the resolution Mr. Finkbine demanded the yeas and nays which were ordered.

Pending the call Messrs. Landes and Ryan were granted leave of absence.

Mr. Ryan from Committee on Enrolled Bills submitted the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File No. 6, An act defining the duties of the Register of the State Land office, and House File No. 198, An act authorizing a special term of the District Court of Lee county, also House File No. 63, An act to secure to certain persons, residents of Harrison county, their homes at the price of \$1.25 per acre, of lands known as the excess 500,000 acre grant.

I am instructed further to report that your Committee on Enrolled Bills have received from Senate Committee on Enrolled Bills, Senate Files Nos. 20, 171 and 19, An act to amend Section 4324 of the Revision of 1860, in relation to willful trespass; an act to amend Section 1 of Chapter 128 of the acts of the Tenth General Assembly, and an act to repeal Section 2 of Chapter 43 of the acts of the Tenth General Assembly, and Section 3 of Chapter 17 of the acts of the regular session of the General Assembly, relating to the duties of County Treasurers, also a joint resolution, relating to the plates on which Hall's Geological Report was printed, all of which I am instructed to report as correctly enrolled, and I herewith present the same for your signature.

D. RYAN, Mem. Com. on En. Bills.

PETITIONS.

Mr. Thomson presented a petition from John F. Newbern and other citizens of Scott county, praying that the General Assembly repeal the law legalizing the manufacture and sale of beer, wine and cider.

Referred to the Committee on the Suppression of Intemperance.

Mr. McNutt presented a similar petition from sundry citizens of Muscatine county, which was referred to the same Committee.

Mr. McNutt presented a petition from J. D. Walker and other citizens of Muscatine county, praying for support of the Iowa Orphans' Home.

Referred to the Committee on Orphans' Home.

Mr. Walden presented a preamble and resolution of the city of Keokuk, asking the passage of a law giving incorporated towns and cities the control of the manufacture and sale of all malt and vinous liquors within their incorporated limits.

Referred to the Committee on Suppression of Intemperance.

Mr. Russell moved that the House do now adjourn, which motion prevailed, and the House adjourned.

2 O'CLOCK P. M.

The House met pursuant to adjournment.

The House resuming the consideration of Mr. Glasgow's motion

to refer House File 245 to a Select Committee, Mr. Finkbine demanded the yeas and nays, which were as follows :

The yeas were Messrs. Abbott, Ballinger, Barnes, Bahl, Belt, Bolter, Brown of Decatur, Buck, Comfort, Conway, Darwin, Dashiell, Dudley, Fellows, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Griffith, Hale, Joy, Knapp, Knox, Landes, Leffingwell, Lowdon, McCullough, Morgan, O'Brien, Olmstead, Ryan, Sapp, Sipple, Travis, Van Leuven, Walden, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall—42.

The nays were Messrs. Abernethy, Alcorn, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Crawford, DeForest, Dwelle, Emery, Finkbine, Flanders, Fry, Gaylord, Goodrich, Graves, Hand, Holmes, Holden, Huggins, Linderman, Maxwell, McPherson, McNutt, McLaughlin, McKean, Mills, Palmer, Poin-dexter, Rohlf, Runyan, Russell, Safely, Serrin, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wilcox, Wilson of Jackson, Williams of Winneshiek, Mr. Speaker—50.

Absent or not voting, Messrs. Barker, Brown of Madison, Martin and Rogers—5.

So the motion to refer was lost.

The consideration of the bill being before the House, Mr. Sherman moved to amend the first section, third line, by striking out the word "four," and inserting in lieu thereof the word "five;" on which question Mr. ——— demanded the yeas and nays, which were ordered, and were as follows :

The yeas were Messrs. Abbott, Ballinger, Barnes, Bahl, Belt, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Close, Comfort, Darwin, Dashiell, Dudley, Fellows, Glasgow, Godfrey, Griffith, Joy, Leffingwell, Lowdon, Morgan, O'Brien, Olmstead, Palmer, Ryan, Sapp, Sherman, Van Leuven, Walden—30.

The nays were Messrs. Abernethy, Alcorn, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Winneshiek, Burnett, Carbee, Clark, Crawford, DeForest, Dwelle, Emery, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Goodrich, Graves, Hale, Hand, Holden, Huggins, Knapp, Knox, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Poin-dexter, Rohlf, Runyan, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—58.

Absent or not voting, Messrs. Barker, Brown of Madison, Conway, Gamble, Holmes, Landes, Martin, Rogers, Russell—9.

So the amendment was lost.

Mr. Wilson, of Dubuque, offered the following amendments :

Strike out sections 1, 2, 3, and 4, and insert as follows, viz :

SECTION 1. That it shall be unlawful for any Railroad Company

owning or operating a railroad in the State of Iowa, to charge more for freight over its road than is provided in this act.

Sec. 2. Three disinterested persons, citizens of this State, shall be appointed by the Governor of this State to make out and establish a tariff of freights for the government of the railroads in this State, and said Commissioners, before entering upon the duties of their office, shall take an oath faithfully to discharge the duties of their office, without favor or partiality, which oath shall be administered by any person authorized to administer oaths in this State.

Sec. 3. Said Commissioners shall meet at Des Moines on the first Monday in May next after the passage of this act, and fix a maximum tariff for the government of railroads, which said tariff shall be adhered to unless subsequently modified, as hereinafter provided.

Sec. 4. Said Commissioners may, if they deem proper, meet every three months thereafter, at the place aforesaid, and make any alterations in the tariff of rates previously established by them, which the public interest may require.

Sec. 5. The tariff of rates established by such Commissioners, and any alteration thereto, shall, before the same shall take effect, be published in any two newspapers published in Des Moines, and copies of the said tariff of rates shall be mailed to each Railroad Company in this State, at the principal place of doing business within this State.

Sec. 6. Said Commissioners shall receive for their compensation three dollars per day and mileage, as allowed to members of the General Assembly.

Sec. 7. That if any Railroad Company violate any of the provisions of this act, by demanding or receiving, directly or indirectly, for transporting persons or property, any greater rate than is provided for in this act, such Company shall be liable for all damages sustained by any person, and to a fine of not less than one hundred dollars, nor more than one thousand dollars.

Sec. 8. In all cases of suits against Railroad Companies, the same may be instituted in any county through which the road of said Company passes; service made upon any station or ticket agent of said Company, transacting the business of said Company, shall be deemed sufficient notice.

Sec. 9. Such Commissioners shall report to each Legislature, at the commencement of each regular session thereof, such statistics and facts in relation to the condition and management of the several railroads within the State, as they may deem necessary, with such suggestions as they may deem expedient.

Mr. Finkbine moved that the further consideration of the subject be postponed until to-morrow morning at 10 o'clock.

Mr. Glasgow moved to amend by striking out the word "to-morrow," and inserting in lieu thereof the word "Wednesday," on

which question the yeas and nays were demanded, and were as follows :

The yeas were Messrs. Ballinger, Barnes, Bahl, Bolter, Brown of Decatur, Buck, Gamble, Gary, Glasgow, Godfrey, Griffith, Hale, Joy, Knapp, Landes, Lowdon, Morgan, O'Brien, Ryan, Sapp, Sipple, Travis, Van Leuven, Walden, Wilson of Dubuque, Williams of Des Moines—26.

The nays were Messrs. Abernethy, Abbott, Alcorn, Belt, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Garrett, Garber, Goodrich, Graves, Hand, Holden, Huggins, Knox, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Safely, Serrin, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—65.

Absent or not voting Messrs. Barker, Brown of Madison, Conway, Holmes, Martin and Rogers—6.

So the amendment was lost.

Mr. Ryan from the Committee on Enrolled Bills, submitted the following report :

Your Committee on Enrolled Bills have received from Senate Committee on Enrolled Bills, Senate File No. 108, an act supplemental to Chapter 108 of the Laws of the 10th General Assembly, reported by said Committee as correctly enrolled, which I herewith present for your signature.

Your Committee have this day presented House File No. 254 to the Governor for his signature.

D. RYAN, Mem. Com. on En. Bills.

Mr. Palmer presented a petition from Mrs. E. W. Weston and twenty-six other ladies of Clinton county, praying for an amendment to the Constitution so that the women of Iowa may have the right of suffrage ; claiming that they represent nearly one half of the entire population of the State, and also one-half of its stability, intelligence, and virtue ; that they are counted in the basis of representation, yet are governed and taxed without their consent, and punished for violation of law without judge or jury ; and claiming further, that life, liberty, and property, are uncertain so long as the ballot, the only weapon of self-protection, is not in the hands of every citizen.

Mr. Crawford presented three petitions from J. F. Bishop, J. R. Day, Geo. Jones, and other citizens of Union county, praying for the passage of an act providing for the maintenance of the Iowa Soldiers' Orphans' Home, which was referred to the Committee on the Iowa Soldiers' Orphans' Home.

Mr. Palmer presented a petition from R. M. Rockwell and other

citizens of Clinton county, praying for an increase in justices' fees.

Referred to the Committee on Compensation of Public Officers.

Mr. Hale moved that the House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, March 13, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Phillips.

Journal of yesterday read and approved.

By leave, Mr. Darwin submitted the following reports :

MR. SPEAKER :—The Judiciary to whom was referred House File No. 219, A bill for an act to legalize the official acts of S. C. Johnson, a Justice of the Peace in Jones county, have considered the same and recommend that it do pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 214, A bill for an act amendatory to Sections 1267 and 1269, of the Revision of 1860, allowing juries to assess damages, on property injured by the construction of mill-dams, have had the same under consideration and recommend that it be indefinitely postponed.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 189, A bill for an act for the purchase and distribution of the second volume of the Iowa Digest, have considered the same and instructed me to recommend : 1st, That it be amended by inserting after the word "now" in the second section the words "or may hereafter be." 2d, That being so amended the bill pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 275, A bill for an act to legalize the acts of Majors in the military service of the United States, have had the same under consideration and herewith report a substitute therefor and recommend that the same pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 141, A bill for an act to amend Section 307, of the Revision of 1860, in relation to the time of meeting of the Board of Supervisors, have considered the same, and while they do not recommend the passage of any law on the subject, they think the substitute which they herewith report is in better form than the bill.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 292, A bill

for an act concerning the rights of women, have had the same under consideration, and believing that the substance thereof is the law now, recommend that the same do not pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 172, A bill for an act defining the duties of judges of elections, having considered the same recommend that it do not pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 210, A bill for an act to fine and imprison Administrators and Executors for contempt of court and neglect of duty, having considered the same recommend that it do not pass.

DARWIN, Chairman.

By leave, Mr. Thomson presented the following report:

MR. SPEAKER:—Your Committee on Agriculture, to whom was referred House File No. 191, "A bill for an act authorizing county subscriptions to agricultural societies," have had the same under consideration and have instructed me to report it back with the following amendment: Add to Section 1 by filling the blank in the sixth line with the word "ten," and after the word "purpose" in the last line add, "Provided, that no appropriation shall be made unless a majority of all the supervisors in such county shall vote for the same, and not more than one thousand dollars shall, in the aggregate, be appropriated to any one society;" and to recommend the adoption of the amendments and that the bill be put upon its passage.

H. M. THOMSON, Chairman.

By leave, Mr. Belt submitted the following reports:

MR. SPEAKER:—The Standing Committee on the State University, to whom was referred the substitute for Senate File No. 70, "A bill for an act to establish a law department to the State University," have had the same under consideration and have directed me to report the same back to this House, with the recommendation that it do pass.

BELT, Chairman.

MR. SPEAKER:—The Standing Committee on the State University, to whom was referred Senate File No. 3, "A bill for an act granting to the Iowa State University certain property in Iowa City," have had the same under consideration and have directed me to report the same back to this House, with the recommendation that it do pass.

BELT, Chairman.

By leave, Mr. Thomson submitted the following report:

MR. SPEAKER:—Your Committee on Agriculture, to whom was referred House File No. 131, "A bill for an act to restrain stock from running at large during certain seasons of the year," have had the same under consideration and have instructed me to report the same back to the House with a recommendation that it do pass.

H. M. THOMSON, Chairman.

By leave, Mr. Sherman presented the following reports:

The Committee on Railroads have had under consideration pe-

tion of Farmers' Club of Farmington township, Cedar county, asking legislation on the subject of freights and charges by railroads, and other matters pertaining to railroads, and as the subject matters referred to in said petition are already before the House, recommend that the petition lay on the table.

SHERMAN, Chairman.

The Committee on Railroads, to whom was referred House File No. 203, "A bill for an act to resume all rights conferred upon the Cedar Rapids and Missouri River Railroad Company, by an act approved March 26, 1860, to repeal certain laws relating thereto, and to carry into execution the trusts conferred upon the State of Iowa, in respect to the lands granted by an act of Congress approved May 15, 1856, to aid in the construction of a Railroad from Lyons City, northwesterly to a point of intersection with the main line of the Iowa Central Air Line Railroad, near Maquoketa, thence on said main line running as near as practicable to the 42d parallel across the State of Iowa, to the Missouri River," have had the same under careful consideration, and arrived at a conclusion unfavorable to the provisions of said bill, and have instructed me to report the same back to the House and recommend its indefinite postponement.

SHERMAN, Chairman.

By leave, Mr. McKean presented the following report, and accompanying resolution:

MR. SPEAKER:—The Special Committee of five appointed to investigate the allegations of fraud and misrepresentation against the American Emigrant Company, by Wm. Baker and Commissioner Edmunds, and prepare a memorial to the Secretary of the Interior, have had the matter under consideration, and come to the conclusion that the matter is one that should receive the attention of a Joint Committee of the House and Senate, and that the memorial should be prepared by said Joint Committee, and have further instructed me to report the accompanying resolution, and recommend its adoption by the House.

JOHN McKEAN, Chairman.

Resolved by the House of Representatives, the Senate concurring, That a Joint Committee of five, on the part of the House, and three on the part of the Senate, be appointed to examine and report as to the allegations of fraud and misrepresentation against the American Emigrant Company by Wm. Baker, Swamp Land Agent, and by Commissioners Edmunds, and to prepare and report a memorial addressed to the Secretary of the Interior, disavowing on the part of the State, any knowledge of, or participation in the alleged frauds on the part of the American Emigrant Company, in prosecuting claims for swamp lands, should such charge be found true, and urging upon the Secretary the necessity of adjusting all claims of the Counties under the Swamp Land Grant not tainted

with fraud; and that said Committee be authorized to send for persons and papers, take testimony and employ a clerk.

The resolution was adopted.

By leave Mr. Finkbine presented the following report:

The Committee on Ways and Means, to whom was referred House File No. 43, A bill for an act providing for the taxation of the property of railroad corporations, have had the same under consideration, and have instructed me to report the same back, recommending that section 7 be stricken out, and that the bill so amended pass.

FINKBINE, Chairman,

By leave Mr. Joy presented the following reports:

The Committee on Compensation of Public Officers, to whom was referred House File No. 271, have had the same under consideration, and have instructed me to report the same back to the House, with the recommendation that the same do pass.

WM. L. JOY, Chairman.

The Committee on Compensation of Public Officers, to whom was referred House File No. 278, have had the same under consideration, and as the committee have already recommended the passage of a bill making all the change in the law which they deem it advisable to make, they have instructed me to report the accompanying bill back to the House, with the recommendation that the same be indefinitely postponed.

JOY, Chairman.

By leave Mr. Barker presented the following minority report:

The undersigned, a member of the Committee on Constitutional Amendments, to whom was referred certain resolutions proposing amendments to the constitution of the State, being unable to agree in the conclusions contained in the report, made by a majority of the committee, begs leave to submit the following minority report:

The resolutions reported by a majority of the committee propose, a radical change in the organic law of the State, and will, if they shall be passed, imply a recommendation of the General Assembly that they should be adopted by the people.

The amendments to the constitution offered not only propose to confer the great right of the elective franchise upon the negro and the Indian, but indiscriminately upon all aliens; while at the same time it is proposed to disfranchise, so far as the State of Iowa is concerned, nearly the whole mass of white citizens of eleven States of the Union, and probably one-half or more of the people of three other States, and a comparative few of our own citizens.

The undersigned regards the negro as belonging to an inferior race, not now, if he be capable of ever being so far civilized and enlightened as to qualify him for the exercise of the governing power.

The elective franchise is a political and not a natural right. The

commingling of the white and black races, upon terms of equality would be detrimental to both, as all history clearly demonstrates. The immigration to our State of large numbers of negroes is not desirable, and should not be encouraged by the inducement of political privileges denied to them in other States. Is it not absurd to propose to elevate to citizenship a race of men, while we at the same time are resolving that they are incapable of taking care of themselves, and should be treated as the special wards of the General Government, and be supported out of the Federal treasury?

The proposition to confer the elective franchise upon aliens, who owe no allegiance to the Government—who are not bound to protect it against a public enemy, and who are at liberty to take up arms against it in time of war, thus putting the alien in a more favored position than the citizen, is wrong in principle and unwise in policy.

The proposed attempt to impose the severe penalty of disfranchisement upon cowards who evaded the draft, and all men who bore arms voluntarily or by compulsion against the United States, in the late rebellion, is in manifest violation of the pardons granted by the President of the United States, and in conflict with the Constitution of the United States as it professes to provide by law for imposing a severe penalty for acts committed prior to the existence of the law.

W. T. BARKER.

By leave, Mr. Clark presented the following report:

The Committee on Claims, to whom was referred the Senate "joint resolution for the relief of the county of Buchanan," beg leave to report that they have had the same under consideration and have directed me to report the same back to this House and recommend its passage.

CLARK, Chairman.

The question being on concurring in the report of the committee, Mr. O'Brien demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Alcorn, Barnes, Barker, Bereman, Boomer, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Burnett, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McCullough, McKean, Mills, Morgan, Olmstead, Poindexter, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—70.

The nays were Messrs. Abbott, Ballinger, Bahl, Belt, Bennett, Brown of Decatur, Buck, Carbee, Lowdon, O'Brien, Palmer,

Rohlfis, Travis, Van Leuven, Walden, Wilson of Dubuque—16.

Absent or not voting Messrs. Bolter, Brown of Madison, Gamble, Hale, Holmes, Martin, McPherson, McNutt, McLaughlin, Rogers and Ryan—11.

So the report of the committee was concurred in.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills, in which the concurrence of the House is asked:

Senate File No. 84, "A bill for an act to increase the compensation of road supervisors."

Senate File No. 130, "A bill for an act for the relief of Major D. J. Waggoner."

Senate File No. 142, "A bill for an act fixing the salaries of certain State officers."

Senate File No. 149, "A bill for an act authorizing the Auditor to collect certain debts due the school fund."

JAMES M. WEART, Ass't Secretary.

SPECIAL ORDER.

The House resumed the consideration of the special order, House File No. 245, A bill for an act limiting charges and defining the duties of Railroad Companies, and the question being on the adoption of the amendment offered by Mr. Wilson of Dubuque, Mr. Glasgow moved to lay the amendment on the table.

On this question Mr. Sapp demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abbott, Ballinger, Barnes, Belt, Bolter, Brown of Decatur, Buck, Comfort, Conway, Fellows, Gamble, Garber, Glasgow, Godfrey, Griffith, Joy, Landes, Lowdon, Morgan, O'Brien, Sapp, Sipple, Travis, Van Leuven, Wilson of Dubuque—25.

The nays were Messrs. Abernethy, Alcorn, Barker, Bahl, Beremen, Bennett, Boomer, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Goodrich Graves, Hand, Holden, Huggins, Knapp, Knox, Leffingwell, Linderman, Maxwell, McNutt, McCullough, McKean, Mills, Olmstead, Palmer, Poindexter, Rohlfis, Runyan, Russell, Safely, Serrin, Sherman, Tracy, Thacher, Tiedale, Thomson, Thorn, Walden, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—64.

Absent or not voting, Messrs. Brown of Madison, Hale, Holmes, Martin, McPherson, McLaughlin, Rogers and Ryan—8.

So the motion to lay upon the table did not prevail.

Mr. Leffingwell offered the following amendment:—Strike out all after the enacting clause and insert the following:

SECTION 1. That a Board of Railroad Commissioners shall be appointed by the Governor of the State, consisting of three members.

SEC. 2. The term of office of the three Commissioners first appointed shall be as follows: One shall be appointed for two years, one for four years, and one for six years, subject to the approval of the Senate.

SEC. 3. The Commissioners first appointed shall meet at the call of the Governor of the State, and shall determine by drawing or by lot, the term of office of each Commissioner.

SEC. 4. Whenever any vacancy shall occur in the Board of Commissioners, the Governor of the State shall appoint to fill such vacancy, subject to the approval of the Senate.

SEC. 5. Each member of such Board of Commissioners shall execute a bond to the State of Iowa in the penal sum of twenty thousand dollars, with not less than five sureties to be approved by the Governor of the State, conditioned for the faithful discharge of his duties as such Commissioner, and he shall take and subscribe an oath of office as follows, viz.:

I, ———, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Iowa; that I will faithfully and impartially discharge the duties of the office of Railroad Commissioner, to the best of my ability, and further that I am not interested in as a stockholder or connected as an officer, agent, employee, or attorney, with the operation of any railroad authorized by the laws of this State, or of an adjoining State. Which bond and oath shall be deposited with the Governor of the State and kept by him.

SEC. 6. The said Board of Commissioners shall have power and it is hereby made their duty to establish upon all lines of railroad in this State a just and equitable freight and passenger tariff on the 5th day of January, on the 5th day of May, and on the 5th day of September of each and every year for the next succeeding four months, and if the preceding tariff bill be, in their judgment, the most expedient, they may adopt it. If the 5th day of the month as above named should at any time be Sunday, then the Board shall meet the Monday following. The Board may establish the terms and conditions of business connections between railroads in this State, so far as the same relates to the manner of delivering freights, and cars from one railroad to another; and the time and the manner of transporting the same by the road receiving, and the amount of compensation to be paid therefor.

The Board is further authorized and it is hereby made their duty

every three months, to examine the books of the several railroad companies in this State, and they are hereby authorized to call before them, the President or any of the Directors or any of the employees of any railroad, with such books and papers relating to the business and affairs of such company, as the Board may call for, who shall furnish whatever information is in their power, under oath, in relation to matters appertaining to the affairs, business, profits, expenditures, and other matters relating to the business of such road. Any member of the Board of Commissioners is hereby authorized to administer oaths to witnesses in all matters relating to the business of their commission.

Sec. 7. The Board of Commissioners shall take into consideration in determining the rates of tariff, the receipts of each railroad from all sources, and all necessary expenditures, the receipts for through and way freights, for through and way passengers, and all expenses necessary for keeping the road in good running order, and for running such road.

Sec. 8. No persons or parties shall be charged a greater price than any other person or parties, or all other persons or parties, for shipping from the same point to the same destination; and no officer or agent of any railroad company shall make any abatement from the regular tariff in favor of any person, upon any freight passing over the road; and no facilities shall be allowed or offered any one party for shipping more than to any other; and no officer or employee of any railroad company shall have any better accommodation or better facilities for shipping over any railroad than any other person; and any preference and discrimination in the matter of shipping over any of the railroads of this State between persons, parties, and corporations, is hereby prohibited; and any persons or parties doing business over and upon any of the roads in this State, shall upon the same road have the same and equal accommodations.

Sec. 9. Each and every railroad Company operating in this State is hereby required to receive for shipment at any of their depots any and all freight offered, and to forward the same to its destination in pursuance of the rules and regulations of the Board of Commissioners.

Sec. 10. Any railroad company may be allowed to charge a lower rate of tariff than that determined upon by the commissioners; but any change in this respect shall apply equally to all persons shipping over the road.

Sec. 11. All evidence before the Board of Commissioners shall be reduced to writing, and signed by the witness and sworn to by him. The oath shall be to the effect that the statements made by the witness show truly the affairs of the road, as far as the affiant is acquainted with the same, without concealment or evasion.

Sec. 12. The Board of Commissioners shall determine the tariffs from every depot to every other depot on the same line.

SEC. 13. Each and every corporation or other person owning or operating any railroad within the State, failing to furnish information as required by any section of this act through its President, any of its directors or officers, or any of its employees, or to produce such books and papers of such company as the Board of Commissioners may call for, shall forfeit to the State the sum of not more than twenty thousand dollars for each and every such refusal; and any officer or employee of any railroad company operating in this State violating section 8 of this act shall be liable to the State in the sum of not more than five thousand dollars, one half to go to the informant and one half to the State, or imprisonment in the jail of the county in which such cause may be prosecuted, for a term of more than one year.

SEC. 14. It shall be the duty of the Board to attend to all legal proceedings instituted for any violation of this act and to inform the District Attorney of such Judicial District as may have jurisdiction of such cause, of such violation, who shall prosecute all such cases, in such District Court wherever such cause may be set for trial.

SEC. 15. Any Railroad Commissioner violating any of the provisions of this act shall be removed from his office as such Commissioner, shall forfeit his bond mentioned in this act absolutely to the State of Iowa, and every Railroad Commissioner who shall accept or agree for any sum of money, property, or any other thing whatsoever from any railroad corporation, or person owning or operating any railroad within or without this State, or from any officer, employee, agent, or attorney of such corporation, or other person as a reward for any service performed for any such company or person during the term of office of such Commissioner, the person so offending shall be deemed guilty of violating Section 4275, of Chapter 169, of the Revision of 1860, and shall be punished according to the provisions of the act relating to the crime set forth in said Section 4275, and in all cases of the forfeiture of the bond of any Railroad Commissioner, the Governor of the State shall cause the same to be prosecuted forthwith against the sureties as well as the principal named in the bond.

SEC. 16. Any officer or employee of any Railroad Company who shall be found guilty of offering any member of the Board of Commissioners any reward as set forth in the preceding section, shall be deemed guilty of violating Section 4279, of Chapter 169, of the Revision of 1860, and upon conviction, shall be punished according to the provisions of the act relating to the crime as set forth in said Section 4279.

SEC. 17. No tariff bill shall go into effect until July 1, 1866.

SEC. 18. Any person who shall willfully make any false statements under oath as set forth in any section of this act shall be deemed guilty of perjury, and upon conviction, shall be punished accordingly.

SEC. 19. Each and every Railroad Company shall deliver freights at either termination of the road according to the directions of the consigner.

SEC. 20. The first Board of Commissioners as set forth in this act shall be appointed on or before March 28, 1866.

SEC. 21. The salary of each Commissioner shall be \$2,500 per annum.

Mr. Barker moved to refer the whole subject to a select Committee of seven with instructions to report on Friday of this week.

Mr. Van Leuven moved that the House do now adjourn, which motion prevailed and the House adjourned.

2 O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Fry moved a call of the House, which was ordered and Messrs. Finkbine, Burnett, Sipple, Abbott, Barker, and Belt reported absent and unexcused.

Mr. Gamble moved that further proceedings under the call be dispensed with, which motion did not prevail.

Mr. Tracy moved the appointment of a Sergeant-at-Arms *pro tem*, which motion prevailed and the Speaker appointed Mr. Baker, Assistant Postmaster of the House.

Mr. O'Brien moved that Mr. Barker be excused. Lost.

Mr. Van Leuven moved that Mr. Finkbine be excused. Lost.

Mr. Van Leuven moved that Mr. Burnett be excused. Lost.

The Sergeant-at-Arms reported Messrs. Finkbine, Burnett, and Sipple at the bar of the House.

Mr. Wilson of Dubuque, moved that Messrs. Finkbine and Burnett be granted permission to explain their absence. Granted, and their excuses being considered valid, they were excused.

Mr. Tracy moved that further proceedings under the call be suspended. Lost.

Mr. Hale moved that Mr. Sipple be allowed to explain his absence. Granted, and Mr. Sipple's excuse being deemed valid, Mr. Sipple was excused.

Mr. Thomson moved that further proceedings under the call be suspended, which motion prevailed.

The House having under consideration Mr. Barker's motion to refer House File No. 245, to a select Committee of seven with instructions to report by Friday next,

Mr. Sherman offered the following amendment:

To recommit to Committee on Commerce with instructions to prepare and report on Friday morning, a substitute embodying the system contained in the bill of Mr. Leffingwell for the appoint-

ment of Commissioners to regulate rates of fare and freights on railroads.

Mr. Van Leuven moved to amend the amendment by providing for the election of said Commissioners by the General Assembly. Lost.

The question recurring on Mr. Sherman's motion to refer with instructions,

Mr. Finkbine moved to amend by striking out the instructions, on which question the yeas and nays were demanded by Mr. Finkbine, and were as follows :

The yeas were Messrs. Abernethy, Alcorn, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Crawford, Darwin, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gaylord, Gary, Goodrich, Graves, Hand, Holmes, Holden, Huggins, Linderman, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Palmer, Rohlf, Russell, Ryan, Safely, Serrin, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—54.

The nays were Messrs. Abbott, Ballinger, Barnes, Bahl, Brown of Decatur, Buck, Comfort, Conway, Dashiell, Fellows, Gamble, Garrett, Garber, Glasgow, Godfrey, Griffith, Hale, Joy, Knapp, Knox, Landes, Leffingwell, Lowdon, Morgan, O'Brien, Olmstead, Poindexter, Runyan, Sapp, Sherman, Sipple, Travis, Van Leuven, Walden, Wright, Wilson of Dubuque—36.

Absent and not voting, Messrs. Barker, Bolter, Brown of Madison, Martin, McLaughlin, Rogers and Ryan—7.

So the motion to strike out prevailed.

The question recurring on Mr. Sherman's motion to refer to the Committee on Commerce,

The yeas and nays were demanded, and were as follows :

The yeas were Gaylord, Tracy—2.

The nays were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Garves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Sipple, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, Thacher, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—89.

Absent and not voting, Messrs. Barker, Brown of Madison, Martin, McLaughlin, Rogers and Ryan—6.

So the motion to refer was lost.

Mr. Hand moved the previous question.

Mr. Finkbine moved a call of the House, which was ordered, and the roll was called.

Pending the call, Mr. Tracy moved that further proceedings under the call be suspended.

The motion prevailed.

The previous question was seconded.

Mr. Sapp moved that the House do now adjourn.

Upon this question, Mr. Sapp demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abbott, Ballinger, Barnes, Bahl, Belt, Buck, Comfort, Conway, Fellows, Gamble, Garrett, Garber, Glasgow, Godfrey, Griffith, Hale, Joy, Knapp, Landes, Leffingwell, Lowdon, Morgan, O'Brien, Olmstead, Sapp, Sipple, Travis, Van Leuven, Walden, Wilson of Dubuque—31.

The nays were Messrs. Abernethy, Alcorn, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Van Buren, Brown of Winnesheik, Burnett, Carbee, Clark, Close, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gaylord, Gary, Goodrich, Graves, Hand, Holmes, Holden, Huggins, Knox, Linderman, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Palmer, Poindexter, Rohlf, Runyan, Russell, Safely, Serrin, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—59.

Absent or not voting, Messrs. Barker, Bolter, Brown of Madison, Martin, McLaughlin, Rogers, and Ryan—7.

So the motion to adjourn was lost.

The question, "Shall the main question be now put?" was decided in the affirmative.

Mr. Hale moved that the House do now adjourn.

The motion to adjourn did not prevail.

The question recurring upon the amendment of Mr. Wilson, of Dubuque, Messrs. Fellows and Finkbine demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abbott, Ballinger, Barnes, Bahl, Brown of Decatur, Buck, Comfort, Dashiell, Fellows, Glasgow, Godfrey, Joy, Landes, Lowdon, McPherson, Mills, O'Brien, Olmstead, Sapp, Sipple, Van Leuven, Wright, Wilson of Dubuque—22.

The nays were Messrs. Abernethy, Alcorn, Belt, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Van Buren, Brown of Winnesheik, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Knapp, Knox,

Leffingwell, Linderman, Maxwell, McNutt, McCullough, McKean, Mills, Morgan, Palmer, Poindexter, Rohlf, Runyan, Russell, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—68.

Absent or not voting, Messrs. Barker, Brown of Madison, Bolter, Martin, McLaughlin, Rogers, and Ryan—7.

So the amendment was lost.

Mr. Sipple moved that the House do now adjourn, and upon this motion Messrs. Sipple and Gamble demanded the yeas and nays, which were as follows :

The yeas were Messrs. Abbott, Ballinger, Barnes, Bahl, Brown of Decatur, Buck, Comfort, Conway, Glasgow, Sipple, Van Leuven, Walden, Wilson of Dubuque—13.

The nays were Messrs. Abernethy, Alcorn, Belt, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—77.

Absent or not voting, Messrs. Ryan, Rogers, McLaughlin, Martin, Brown of Madison, Bolter, Barker—7.

So the House refused to adjourn.

The question recurring upon the substitute offered by Mr. Leffingwell, the yeas and nays were demanded by Messrs. Sapp and Wilson, of Dubuque and were as follows :

The yeas were Messrs. Abbott, Ballinger, Barnes, Brown of Decatur, Buck, Comfort, Conway, Dashiell, Fellows, Gamble, Garber, Glasgow, Godfrey, Joy, Knox, Landes, Leffingwell, Lowdon, Sapp, Sherman, Sipple, Travis, Van Leuven, Wright—25.

The nays were Messrs. Abernethy, Alcorn, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Crawford, Darwin, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Knapp, Linderman, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Safely, Serrin, Tracy, Thacher, Tisdale, Thomson, Thorn, Walden, West, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of

Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—65.

Absent or not voting, Messrs. Barker, Bolter, Brown of Madison, Martin, McLaughlin, Rogers and Ryan—7.

So the substitute was not adopted.

The question now being "Shall the bill be engrossed and read a third time," Mr. Morgan demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Alcorn, Barker, Bahl, Bere-man, Bennett, Boomer, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Crawford, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Goodrich, Graves, Hand, Holmes, Holden, Huggins, Knapp, Leffingwell, Linderman, Maxwell, McNutt, McCullough, McKean, Mills, Palmer, Poindexter, Rohlf's, Runyan, Russell, Safely, Serrin, Sherman, Tracy, Thatcher, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—59.

The nays were Messrs. Abbott, Ballinger, Barnes, Belt, Brown of Decatur, Buck, Comfort, Conway, Darwin, Dashiell, Fellows, Gamble, Garber, Glasgow, Godfrey, Griffith, Joy, Knox, Landes, Lowdon, Morgan, O'Brien, Olmstead, Sapp, Sipple, Travis, Van Leuven, Walden, Wright, Wilson of Dubuque—30.

Absent or not voting, Messrs. Bolter, Brown of Madison, Hale, Martin, McPherson, McLaughlin, Rogers, Ryan—8.

So the bill was ordered to be engrossed and read a third time.

Mr. Fry moved that the rule be suspended and the bill read a third time now.

Mr. Fellows moved that the House do now adjourn, which motion did not prevail.

The motion to suspend the rule and read the bill a third time now was lost.

PETITIONS.

Mr. Abernethy presented a petition from A. A. Lewis and sundry citizens of Fayette county, praying for the repeal of the beer, wine and cider clause in the statutes.

Referred to the Committee on the Suppression of Intemperance.

Mr. Clark presented two petitions from James A. Smith, Hugh Caldwell, and other citizens of Tama county, praying for the passage of a law requiring all officers, military and civil, to subscribe to an oath not to use as a beverage any intoxicating liquors during their respective terms of office.

Referred to the Committee on the Suppression of Intemperance.

Mr. Boomer presented two petitions from E. O. Clemons, A. S. Blair, and other citizens of Delaware county praying that the Gen-

eral Assembly by legislative action provide for the maintenance of the Association known as the "Iowa Soldiers' Orphans' Home."

Referred to the Committee on Orphans' Home.

Mr. Van Leuven moved that the House do now adjourn, which motion prevailed and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, March 14th, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Nash.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill in which the concurrence of the House is asked :

Senate File No. 77, A bill for an act to amend Section 3 of Chapter 173 of the Acts of the 9th General Assembly, and to fix the compensation of assessors.

I return herewith House File No. 164, A bill of an act to legalize the acts of the city council of the city of McGregor, in relation to the levy of taxes, it having passed the Senate without amendment.

I also return resolution relative to investigating certain alleged swamp land frauds, the Senate having concurred therein.

I am further directed to inform you that the Senate has passed a concurrent resolution of instruction to the Committee appointed to investigate the alleged diversion of the swamp land fund, which is transmitted herewith, and in which the concurrence of the House is asked.

I am also directed to inform you that House File No. 99, A bill for an act for the relief of George Higley of Dubuque, Iowa, has failed to pass the Senate.

JAMES M. WEART, Asst. Secretary.

By leave, Mr. Bolter submitted the following minority report. from the select committee, to whom was referred House File 157 :

The undersigned, minority of the committee to which was referred House File No. 157, dissenting from the majority report of said committee, would herein briefly set forth some of the reasons for thus differing.

The object of the bill referred to is to afford relief to disabled soldiers who served in the war of the late rebellion, and while thus engaged incurred such disability.

Now, in the opinion of the undersigned, there are but two questions to settle in order to justify and require the passage of such an act—first, is it founded in justice? and second, is the State able to meet its provisions? The first is apparently obvious. The soldier who voluntarily and manfully goes forth to the red field of battle, bidding farewell to wife, children, father, mother, friends, home, and all that makes life desirable, does so not wholly through a selfish motive, but principally for the common welfare of his country. This is true patriotism, without which a nation could not long exist. This sentiment should ever be commended, encouraged, rewarded. All share the benefits which his services, his sacrifices, and his sufferings have so dearly purchased. Then, why not all, to some extent, bear the losses he has sustained? Every soldier who enlisted, did, by so doing, permit some other person to remain at home; and while the one was making long and wearisome forced marches, not unfrequently on unwholesome or limited rations, with no other couch than the cold, damp earth on which to repose his weary limbs at night, and no other covering than the clear cold heavens, or the threatening storm cloud of midnight; breasting the death-dealing storm of leaden rain and iron hail belched forth by the enemy's guns; constantly on the alert, harassed by frequent alarms, emaciated by disease, fatigued by excessive toil; his flesh mangled and torn on the field of battle, thrown into uneasy ambulances already crowded with the wounded, the dying, and the dead; conveyed to hospitals reeking with blood and the decomposition of human flesh, there to witness scenes at which the heart sickens and the tongue fails to describe; there to bid farewell to that strong right arm on which his children depend for support, and to suffer such as none but the experienced can portray. For all this he receives \$16 per month; the other remaining at home, undergoing no privations, incurring no risk, sustaining no loss, but on the contrary possessing the privilege of accumulating more in a *single month* than can the soldier in a whole year's hard service.

Now if justice decide that those who have been thus permitted to remain at home and *make* money shall share to a limited extent with the soldier who has been all the time *losing* money, then, the first inquiry is affirmatively answered. As to the *ability* of the State, your minority entertains not a doubt. By referring to the Adjutant General's Report, and counting out the 37th Regiment, it will be seen that not one in thirty will come under the provisions of Section 2d of the proposed Act. Then considering the number that have died or removed from the State, it is safe to conclude that not to exceed one in forty would be entitled under the act at this time; and considering the annual number of deaths and remo-

vals, and *especially* that the average age of mankind is but about thirty years, it is safe to conclude that the number is as great, if not greater, at this time than it ever will be again. If the above conclusions are nearly correct, and, estimating the whole number of enlistments at 80,000, there would be but 2,000 entitled under the proposed act, which, at \$40 each, would amount to \$80,000 annually. This would require a tax of less than one-half mill on the dollar; and, as the State increases in wealth, the tax on the dollar would proportionately diminish. Now, who would grudgingly submit to this slight increase of taxation for a purpose so founded in justice and clothed in charity, a yearly sum but little if any over double that which has apparently been squandered within the past two years by State officials and not accounted for, and including that accounted for as "*sundries* to *sundry* persons." During the war no one questioned the right or the justice of taxing the property of the State to support the families of the soldiers. Why? Certainly it was because his family was deprived of that support which the husband and father could otherwise have rendered. But the war is over! He has fought bravely, long, and well. He has returned to his family maimed and disabled. They can no longer look to him except as a solace. He is dependent on *them*!

These are the direct results of the war. Then, have all our obligations ceased? How many of us are there that, during the bloody strife, and while we proposed to remain securely at home *ourselves*, did not encourage, persuade, and use all possible means to induce *him* to go forward and engage in the terrible contest? He yielded to our persuasions. We saw him when he bid farewell to that weeping and trembling wife. We saw those little ones with which kind Heaven had blessed him twine their tiny and helpless arms about his neck and kiss him good-bye. We beheld him go forth a hale, vigorous man, and our prayers followed him. We now see him, weak, emaciated, his health impaired, his constitution broken, his happiness destroyed! Shall we now complacently fold our arms, and indifferently pass him by, tendering him only our formal sympathies, but telling him that we cannot tax ourselves to render him any substantial aid, for the reason that we cannot pay him in full, and therefore will give him nothing?

We all agree in providing for the children whose parent lost his life in the service. Then, where is the disabled soldier that can but regard the escaping with his life a *misfortune*, when he sees the children of his fallen comrade being cared for at the expense of the State, while his own destitute children, that he holds dearer than life, are *excluded*, from the fact that their unfortunate father yet lives? We think we are justified in the conclusion that a majority of this body is in favor of feeding, clothing, for a time, and, finally, providing *homes* for the freed blacks; and the chief argument adduced by the great champion of the proposed measure,

is, that the *necessity* grows out of the *result of the war*. Is it any more the result of the war than is the *disability of the white soldier*? Have not our fathers, our sons, our brothers, and the kindred of our own race and blood, at least an equal claim with the blacks?

It is urged by the majority that the soldier goes forth for honor, not for pay. This, to some extent, is true; but if for honor *alone*, then why pay him *anything*? Honor and glory are sought by all and obtained by few. But, when obtained, it will not feed the hungry, clothe the naked, nor educate the ignorant.

It is also claimed that all *loyal* men have equally done their duty—some, by remaining at home and contributing a portion of their means; others, by going to the field. If those who remained at home and paid their mite, have thereby discharged their *full duty*, then they are entitled to a full share of honor in common with the soldier; and are, therefore, on this score, equally paid. Now if honor can be thus *cheaply* purchased with *money*, and without incurring any irreparable loss, or even a *risk* of such loss, but by a mere temporary inconvenience which can be easily made good in a comparatively *short time*, it is certainly much more wise to remain safely at home, protected from the range of the enemies' guns and *buy* honor, than it is to engage in the deadly strife, and there sustain injuries that never can be healed. With this view, might we not expect in future times of public danger to find many wishing to *buy*, but few willing to sell, and *none* ready to fight? Again: if, as urged by the majority, honor and the public weal are the only and *sufficient* compensation, why tax the public to pay National bounties and pensions? It is stated that nothing has been *asked for*. This may be true in so far as any set form of words is concerned. But do not the hoary head, the sunken cheek, the empty sleeve, the half-clad and shivering child, appeal, silently it may be, but no less eloquently, to the throne of generosity and justice? We believe the true position to be this: That, while the soldier risks his *life* solely for the country, he does so with the understanding that those who remain at home will be willing to share his pecuniary losses,—and while it is necessary for some to remain at home, it is nevertheless their imperative duty to provide for him and his as well as his energies might otherwise have done; and then, and not till then, will we be entitled to share the honor, or enjoy the benefit.

Respectfully submitted,

L. R. BOLTER.

By leave, Mr. Wilson, of Dubuque, submitted the following report:

Your committee, to whom was referred House File No. 145, have had the same under consideration, and have reported a substitute for the same, and recommend its passage.

T. J. WILSON,
Chairman Com. on Sen. and Rep. Districts.

Mr. Maxwell, by leave, submitted the following report:

The select committee to whom was referred House File No. 227, have instructed me to report the same back with the accompanying substitute, recommending that the substitute be adopted.

GEO. M. MAXWELL, Chairman.

UNFINISHED BUSINESS.

House File No. 54, "A bill for an act to provide for a change of venue in preliminary examinations before a justice of the peace," was further considered.

Mr. McKean moved to refer to a select committee of three, of which Mr. Dashiell should be Chairman.

The motion prevailed, and the Speaker announced Messrs. Dashiell, McKean, and Poindexter as such committee.

REPORTS OF COMMITTEES.

Mr. Darwin, from the Committee on Judiciary, submitted the following reports:

MR. SPEAKER:—The Judiciary, to whom was referred Senate File 86, "A bill for an act to enable aliens to acquire, control, and dispose of property as citizens," having considered the same, recommend that it do not pass.

DARWIN, Chairman.

MR. SPEAKER:—The Judiciary, to whom was referred a resolution regarding disfranchisement of skedaddlers, report that the question is under the consideration of the House now, in the form of a proposed constitutional amendment, and so they recommend the resolution lie on the table.

DARWIN, Chairman.

The report was concurred in.

MR. SPEAKER:—The Judiciary, to whom was referred House File 46, "A bill for an act to regulate the practice in relation to suits for divorce," having considered the same, recommend a substitute herewith and that it do pass.

DARWIN, Chairman.

Mr. Finkbine, from the Committee on Ways and Means, submitted the following reports:

The Committee on Ways and Means, to whom was referred House File No. 159, "A bill for an act amending certain sections of the laws in relation to the school fund, have had the same under consideration and have instructed me to report the same back with the recommendation that the second clause be stricken out.

FINKBINE, Chairman.

The Committee on Ways and Means, to whom was referred House File No. 276, "A bill for an act directing County Treasurers to apply money paid for taxes to the oldest tax due from the

person paying such money," have instructed me to report the same back with the recommendation that it do not pass.

FINKBINE, Chairman.

The Committee on Ways and Means, to whom was referred House File No. 150, A bill for an act requiring County Treasurers to properly post their books, and make report to Clerk of County Board of Supervisors, have had the same under consideration, and have instructed me to report the same back with the recommendation that it pass.

FINKBINE, Chairman.

Mr. Maxwell, from the Committee on Roads and Highways submitted the following report:

The Committee on Roads and Highways, to whom was referred Senate File No. 8, "A bill for an act to provide for establishing private Roads in the State of Iowa," have had the same under consideration, and directed me to report the same back with the recommendation that the same be put upon its passage.

MAXWELL, Chairman.

Mr. Abbott submitted the following report:

The Committee on Roads and Highways, to whom was referred the petition of O. O. Case, and other citizens of Chickasaw county, for a road commissioner for each county, have had the same under consideration, and directed me to report the same back with the recommendation that the prayer of the petitioners be not granted.

ABBOTT, of Committee.

Mr. Glasgow, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, having had under consideration the claim of E. C. Byers, of Mills county, have instructed me to report the same back to the House with the recommendation that he be allowed the sum of thirty-five dollars, and that the Committee on Ways and Means be instructed to include said amount in the general appropriation bill.

GLASGOW, Chairman.

The report was concurred in.

Mr. Abbott, from the Committee on Roads and Highways, submitted the following reports:

The Committee on Roads and Highways, having had their attention called to manifest defects in the law relating to the laying out and opening of highways, have had the matter under consideration, and directed me to prepare and report the accompanying bill, with a recommendation that it do pass.

ABBOTT, of Committee.

The Committee on Roads and Highways, to whom was referred Senate File No. 125, "A bill for an act to amend Chapter 91 of laws of 10th General Assembly, entitled an act granting the right of way to open and drain coal mines," have had the same under

consideration, and directed me to report the same back with the recommendation that the same be put upon its passage.

ABBOTT, of Committee.

Mr. Russell, from the Committee on Public Lands, submitted the following reports:

The Committee on Public Lands have had under consideration a bill for an act to legalize the acts of Board of Supervisors of Harrison county in conveying swamp lands to soldiers as bounty, and have instructed me to report it back to the House and recommend its passage.

RUSSELL, Chairman.

The Committee on Public Lands have considered House File No. 250, and a majority of the Committee have instructed me to report the bill back to the House with the following amendment and as amended recommend its passage: Insert in third line of Section 3, after the words assigns the words "and before the Governor of this State shall certify to the completion of any portion of said road."

RUSSELL, Chairman.

Mr. Thomson from the Committee on Agriculture submitted the following report:

MR. SPEAKER:—Your Committee on Agriculture to whom was referred House File No. 153, A bill for an act to enable the citizens of counties to elect to restrain cattle, horses, and mules from running at large, have had the same under consideration and have instructed me to report it back without recommendation.

H. M. THOMSON, Chairman.

RESOLUTIONS.

Mr. Burnett offered the following resolution which was adopted:

Resolved, That similar copies of the Adjutant General's Reports distributed among members of this General Assembly be given to each of the Clergymen of this city who have officiated as chaplains to this House provided it can be done from copies on hand, undistributed.

R. M. BURNETT.

Mr. Hale moved to reconsider the vote by which the resolution was adopted.

Mr. Hale moved to lay the motion to reconsider upon the table, which motion prevailed.

Mr. Knapp offered the following resolution, which was laid over under the rule:

Resolved, That hereafter during this session the House meet at 9 o'clock each day, and that the hour of 3 o'clock P. M. be devoted to bills on third reading, unless otherwise ordered by unanimous vote of the House.

Mr. Thomson offered the following resolution:

Resolved, That from and after the 15th inst., no gentleman shall

be allowed more than fifteen minutes in which to make a speech, during the remainder of the session except by unanimous consent of the House.

Mr. Glasgow moved to lay upon the table, which motion was lost.

Mr. Maxwell moved to amend by striking out "unanimous consent," and insert "two-thirds."

Mr. Holden moved to amend the amendment by striking out "two-thirds," and inserting "majority."

Mr. Brown of Van Buren moved to lay on the table, which motion was lost.

Mr. Thacher moved the previous question, which was not seconded.

Mr. Hale moved that it be made a special order for next Monday, 10 A. M., which motion did not prevail.

Mr. Van Leuven moved that it be indefinitely postponed, which motion prevailed.

Mr. Finkbine offered a resolution fixing the per diem of the officers of the House.

Mr. Williams of Winneshiek moved that the resolution be amended by raising the compensation of the Engrossing Clerk from \$4.00 to \$5.00 per day. The amendment was adopted.

Mr. Finkbine moved to amend by striking out "\$4.00" and inserting "\$5.00" in that portion of the resolution referring to the Sergeant-at-Arms.

Mr. Fellows moved to amend the amendment by striking out "\$5.00" and inserting "\$3.00."

Upon this question Mr. Fellows demanded the yeas and nays, which were as follows:

The yeas were Messrs. Bahl, Brown of Louisa, Buck, Emery, Fellows, Garrett, Palmer, Sipple, Thacher, Travis, Thorn, Wright, Wilson of Dubuque—13.

The nays were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, D'welle, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poin-dexter, Rohlf's, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Tracy, Tisdale, Thomson, Van Leuven, Walden, West, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—77.

Absent or not voting, Messrs. Belt, Brown of Madison, Martin, McLaughlin, Rogers, Ryan, and Wilcox—7.

The amendment to the amendment was lost.

The motion to strike out "\$4," and insert "\$5," was also lost.

Mr. Goodrich moved that the resolution be amended so as to allow the door-keeper "\$5" instead of "\$4." Lost.

Mr. Tracy moved that the resolution be amended so as to allow the messengers "\$3."

Mr. Knapp moved to amend the amendment by striking out "3" and inserting in lieu thereof "2.50." Lost.

The amendment of Mr. Tracy was adopted.

Mr. Gamble moved that the per diem of Mr. McConnell be reduced from "\$4" to "\$3." Lost.

Mr. O'Brien moved that the per diem of Mr. Bolton, paper-folder, be raised from "\$2" to "\$4." Lost.

Mr. Finkbine moved that the per diem of all the messengers and paper-folders be fixed at "\$3." Carried.

Mr. Hand moved that five dollars extra compensation be allowed to Henry Courtney. Lost.

Mr. Poindexter moved that the per diem of Mr. Bolton be raised to \$3.75. Carried.

Mr. Sapp moved that 50 cts be added to the per diem of the Sergeant-at-Arms and doorkeeper.

Upon this question Messrs. Thomson and Fellows demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abbott, Alcorn, Ballinger, Barker, Bahl, Bolter, Brown of Decatur, Brown of Winnesheik, Clark, DeForest, Dudley, Finkbine, Fry, Goodrich, Hale, Leffingwell, McPherson, McCullough, O'Brien, Runyan, Sapp, Sherman, Walden, Wilson of Dubuque, Williams of Winnesheik, Mr. Speaker—27.

The nays were Messrs. Abernethy, Barnes, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Van Buren, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, Dwelle, Emery, Fellows Flanders, Gamble, Gaylord, Gary, Garrett, Garber, Godfrey, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McNutt, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Russell, Safely, Serrin, Sipple, Tracy, Tracher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—62.

Absent and not voting, Messrs. Belt, Brown of Madison, Glasgow, Huggins, McLaughlin, Rogers, Ryan, and Wilcox—8.

So the motion was lost.

Mr. Fellows moved that the per diem of the Chief Clerk be raised to \$7. Lost.

The resolution amended as follows, was then adopted.

Resolved, That the Chief Clerk be allowed \$6 per day; the 1st and 2nd Assistant Clerks, Enrolling and Engrossing Clerks, \$5 per day; the Sergeant-at-Arms, Doorkeeper and Janitor, \$4 per day; the Messengers \$3 per day; Mr. McConnell, paper-folder,

\$4 per day; Mr. Bolton, paper-folder, \$3.75 per day, and the remaining paper-folders, \$3 per day.

Mr. Van Leuven was granted leave of absence till Wednesday next.

Mr. Darwin moved that when the House adjourn it be until tomorrow morning at 10 o'clock. Carried.

Mr. Finkbine introduced the following concurrent resolution :

Resolved by the House of Representatives, the Senate concurring, That the per diem of the Postmaster shall be \$5 per day, the Assistant, \$4 per day, in addition to the expense of carrying the mail. And that the per diem of Mr. J. D. Hunter, Clerk of the Investigating Committee shall be \$5 per day.

The resolution was adopted.

Mr. Tisdale from the Committee on Enrolled Bills submitted the following report :

Your Committee on Enrolled Bills has examined House File No. 169, find it correctly enrolled, and present the same for your signature.

The Senate Committee on Enrolled Bills has examined Senate Files Nos. 12, 44, and 36, and Joint Resolution for the relief of the county of Buchanan, which they find correctly enrolled, and I present them for your signature.

G. J. TISDALE, Chairman.

On motion of Mr. Gamble, leave of absence was granted to C. S. Wilson, 1st Assistant Clerk, on account of serious illness of his family.

Mr. Alcorn introduced the following resolution :

Resolved, That the Committee on Printing be and they are hereby instructed to ascertain and report to this House as soon as possible what steps, if any, have been taken to procure the translation and printing of the Governor's Inaugural into the Swedish language: And

Resolved further, That if no such steps have been taken, that they are instructed to open a correspondence at once with the Swedish publishing house of Messrs. Poe & Hitchcock, Chicago, Ills., with a view to having the work completed and on the desks of members in time for distribution before the adjournment of the General Assembly.

PETITIONS.

Mr. Alcorn presented a petition from W. Holehan and other citizens of Webster county, praying for an act to legalize the acts of Supervisors of Webster county.

On motion of Mr. Alcorn, the petition was referred to a select committee, namely: Messrs. Alcorn, Poindexter, and Dashiell.

Mr. Close presented a memorial of citizens of Black Hawk county, asking State aid for the Iowa Soldiers' Orphans' Home, which was referred to the Committee on that subject.

Messrs. Godfrey and Emery presented petitions upon the same subject by citizens of their respective counties, which were referred to the same Committee.

Mr. Sherman presented two petitions from citizens of Polk county, praying for the enactment of a law protecting fish, which was referred to the Committee on Agriculture.

On motion of Mr. Thomson, the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, March 15, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Phillips.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed Memorial to Congress for a grant of land to aid in the construction of the St. Louis and Cedar Rapids Railway, which is transmitted herewith, and in which the concurrence of the House is asked.

I am further directed to inform you that the Senate has concurred in the House amendments to Senate File No. 12, A bill for an act to amend Section 1133 of the Revision of 1860, in relation to incorporation of towns and cities, and to legalize the publication of the laws and ordinances of certain towns and cities heretofore passed and not published according to law.

Also, that Senators Parvin, Paulk and Patterson have been appointed members of the Joint Committee to investigate certain alleged swamp land frauds.

Also, that the Senate has ordered printed the usual number of copies of the report of the Committee on Liquor Law on petitions asking the repeal of the prohibitory liquor law and the enactment of a license law instead.

JAMES M. WEART, Ass't Secretary.

Mr. Glasgow moved that Senate File No. 130, A bill for an act for the relief of Major D. J. Waggoner, be taken up.

The motion prevailed and the bill was read a first and second time and referred to the Committee on claims.

By leave, Mr. Belt from the Committee to visit the State University submitted the following report :

The Joint Committee appointed to visit the State University and Deaf and Dumb Asylum, at Iowa City, having performed that duty, respectfully submit the following report:

They have made a careful examination of the University, and in their opinion the institution is in a very flourishing and prosperous condition. Under the efficient management of President O. M. Spencer and his able corps of Professors, the number of students has largely increased during the last two years; and there are now in attendance 315 gentlemen, 267 ladies, and one resident graduate, making a total of 583 students, showing an increase of 44 per cent. Forty-three counties are represented and the States of Maine, New Hampshire, Vermont, New York, Pennsylvania, Maryland, Virginia, Ohio, Indiana, Illinois, Missouri, and Kansas, have each contributed one or more, thus showing that while the University is growing in popular favor at home, the youths of our sister States are beginning to appreciate the advantages there offered for a thorough and complete course of study. In the opinion of your Committee, if a liberal policy be pursued toward this institution, now in its infancy, at no distant day it will rival the far-famed seats of learning of the older States—and Iowa, the equal now of her sisters in the bravery of her sons, the fertility of her soil, and her rich mineral deposits, will soon equal them in the opportunities she offers, through her State University, for a sound and liberal education. At the last session of the General Assembly the State appropriated the sum of twenty thousand dollars for the purpose of erecting an additional building for a chapel and chemical laboratory, with a tower attached suitable for an astronomical observatory, to be expended under the direction of the Board of Trustees. At the time the appropriation was made, the estimated cost of the building was \$25,000; but owing to the rise in labor and material, it has been found that that sum was insufficient to complete it. From careful estimates, made by competent architects, the structure will cost when completed, at the present price of labor and material, the sum of \$33,600, leaving a deficiency of \$11,450 over the amount already expended, viz.: \$22,150. Your Committee carefully examined said building, and are of opinion it has been built in a most solid and substantial manner—and when completed, the Laboratory will not be excelled by any college in the United States. For a detailed statement of the plan and proportion of the building, we beg leave to refer to the report of the Trustees of the State University, page 13.

By a resolution of the House, your Committee were instructed to inquire into the expediency of introducing a furnace into that portion of the University known as the "Old Capitol." They would strongly recommend that an appropriation be made for that purpose, as they believe the introduction of a furnace similar to that now in use at the Capitol would save great expense in fuel and labor, besides rendering the building much more comfortable

to the students. The "Old Capitol," or main building of the University, is so constructed that a furnace can be placed in it without much expense. The chimneys run up through the middle on both sides of the hall, and the heat can be admitted by registers placed in them, and thus save cutting the floors, and avoid the unsightly pipes that now disfigure the present Capitol.

To complete the efficiency of the Laboratory, especially in the department of chemical analysis, it is necessary that gas should be introduced into it; and as the expense of introducing it into the other buildings would be but slight, your Committee would recommend that an appropriation be made for that purpose.

Your Committee would further report that the roofs of the main building and Boarding Hall are both out of repair, and leak badly. Already the elegant fresco work of the main building is beginning to crack, and unless the leaks be stopped it will soon be entirely destroyed. They would therefore recommend that an appropriation be made for a slate roof for said building. The roof of the Boarding Hall was blown off by a tornado shortly after its completion, and was replaced with the same tin. It also leaks, and should be replaced with a good, substantial tin roof, as, in the opinion of your committee, the walls are not sufficiently strong to stand the weight of slate.

The third story of the boarding hall is still partially unfinished. During the past year, the Trustees appropriated \$1,200 out of the interest fund of the University, to finish two Society Halls for the use of students. In the opinion of your committee an appropriation should be made to finish the entire story, and to refund the above amount to the University.

Your committee would further report that by section 2, chapter 59, of the laws of the 10th General Assembly, the Trustees were required to make provision for a system of gymnastic exercises and physical training in connection with the University. The Department is now under the charge of Professor Charles E. Borland, and so fully meets the wants of the students that they voluntarily attend the exercises, and manifest a constantly increasing interest in them. The method adopted is that prepared by Professor Dio Lewis, of Boston, Mass., and none more attractive and successful could be devised, for promoting a rapid and symmetrical development of the human system. The exercises are adapted to persons of all ages and of both sexes, and are now being introduced into all the best conducted schools at the east. The design is to grade the classes, and to graduate each year a class in these exercises who will be prepared to teach the same in the public schools throughout the State. If the graduates of our State Normal School can go forth to their various fields of labor, adepts in physical, as well as mental training, we may reasonably anticipate that the rising generation will far surpass the present in strength and vigor, both of body and mind. There is at present no hall under the control

of the University suitable for these exercises. The hall now used was rented with difficulty, and after the present lease expires cannot be procured on any terms, and none other can be found in the city. Your committee would therefore recommend that an appropriation of \$2,000 be made to erect, in the rear of the main building of the University, a suitable hall. The lower story could be used for a wood-house, coal-bin, &c., and as the present water-closets are wholly insufficient, being exposed to view, and altogether too small, the proposed building might be so arranged as to provide suitable accommodations for both sexes separate from each other.

The Library of the University is wholly inadequate. It contains very few works of real value, or that would be useful and interesting to the youthful mind. The scientific works in the State Library, received in exchange for the Geological Report of Professor Hall, should be transferred to the University. In the State Library they are of no practical use, and a part, at least, are needed to complete the sets now at the University.

The Cabinet contains only rocks, a very few fossils, and no minerals. The State Geologist took from the State, to prepare his work on the "Geology of Iowa," all the valuable fossils collected during the survey, and has so far refused to return them. The Legislature, through the Governor, should insist upon their return, and also insist upon the return of the plates of said work, engraved at great expense to the State, which your committee are informed he also retains. Hon. T. S. Parvin, Professor of Natural History, has deposited his cabinet of fossils and minerals in the University. This is the largest and most valuable of any collection in the State, and are used by him for purposes of instruction in his class-room, and lectures. The value of the collection is estimated at \$1500, and in the opinion of your committee, should be secured to the State, lest it should pass into other hands, and be removed without her borders.

Your committee cannot close this report without again urging upon the members of this House a liberal policy toward the State University. It is the head of the Common School system of the State, and from it must radiate the influences that will make that system worthy of the munificent endowment it possesses. From its Normal Department we must look for teachers to carry instruction home to every fireside, and to it, too, we must look for the youth of the State, of both sexes, upon equal terms, acquiring that liberal education, that thorough knowledge of literature, arts and sciences, which will fit them for the various duties of life.

DEAF AND DUMB INSTITUTION.

Your committee also visited the Institution for the education of the Deaf and Dumb; and, so far as the labors of those in charge of the Institution could contribute to that object, we found the in-

stitution in a good condition. The superintendent, teachers and matron manifested that they were imbued with the spirit of their respective stations; and the interest manifested by the pupils in the recitations and exercises, which we had the pleasure to witness, was evidence to your committee that the labors of the teachers were a success. For a statement of the financial condition of the institution, its statistics, &c., your committee beg leave to refer to the "Sixth Biennial Report of the Institution." Your committee were pleased with the indications of good order, economy, and cleanliness, which all departments of the institution manifested, even under the *very* unfavorable circumstances surrounding it.

The building now occupied by the institution was evidently not built with the view that it should be used for that purpose. It is built out to the street and alongside of the business houses; it is entirely destitute of yards and play grounds, with the exception of a small back yard, which is not large enough for the purpose of storing wood, and it has none of those surroundings which give it the appearance of a *home*, and especially such a home as the State should furnish to this class of her unfortunates. The roof of the building is badly out of repair, and your committee saw evidences of leakage in nearly every room, which renders the room damp, and, in the opinion of your committee, unhealthy. The walls of the building are badly cracked, and to such an extent as to render it unsafe.

There is, in the opinion of your committee, needed a more commodious and convenient kitchen, a laundry, a store-room for provisions, more ample yards for wood, a play-ground for the pupils, (a majority of whom are but children,) more comfortable sleeping rooms, and rooms more airy and sunny for the sick. None of these desiderata can be had with the building at present occupied.

For the foregoing reasons, and the fact that the *property now occupied does not belong to the State*, your committee recommend that the State procure suitable grounds, and erect such buildings as will meet the wants of the Institution, and that the Legislature make such appropriations and adopt such measures as will insure the purchase of grounds and erection of suitable buildings at the earliest practicable period. In the opinion of your committee, the provisions made for this class of unfortunates should be such as would comport with the action of the State in providing for the blind and the insane. To some of your committee, it is known that parents of deaf and dumb children, after seeing the building and the grounds which the institution is compelled to occupy, have refused to place their children therein, preferring to send them to institutions in other States.

The officers, teachers, and matron have, in the opinion of your committee, done their duty, and it only remains for the State to make the provisions which we have indicated, in order to have an Institution adequate to the wants of this class of unfortunates; and

whatever burdens it may impose, we feel safe in saying, will be cheerfully borne by our humane and philanthropic citizens.

Respectfully submitted.

A. S. BELT,
A. L. McPHERSON,
Of House of Representatives.
J. F. McJUNKIN,
Of Senate.

Mr. Close moved that the report be laid on the table and printed, which motion prevailed.

By leave, Mr. Williams of Des Moines, submitted the following report:

The Special Committee of Surveyors, to whom was referred House File No. 120, respectfully report that they have had the same under consideration and have instructed me to report a substitute therefor and recommend its passage.

WILLIAMS, Des Moines, Chairman.

Mr. Williams of Des Moines, moved that the substitute be considered at this time.

The motion prevailed and the substitute was taken up, considered and adopted.

Bill was ordered to be engrossed and read a third time.

Mr. McKean moved that it be laid on the table and printed, which motion did not prevail.

Mr. Fry moved that the rule be suspended and the bill read a third time now.

The motion prevailed and the bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, West, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—87.

The nays were none.

Absent or not voting Messrs. Barker, Bennett, Brown of Madison, Dashiell, Griffith, McLaughlin, Rogers, Ryan, Van Leuven, and Wilcox—10.

So the bill passed, and the title was agreed to.

By leave, Mr. Darwin submitted the following reports :

MR. SPEAKER :—On the part of the Judiciary Committee, I am instructed to report the accompanying bills. "A bill for an act regulating commissions of Notaries Public, and fixing a period at which they shall expire."

And "A bill for an act to repeal Chapter 110 of the acts of the Ninth General Assembly, and to enact a substitute therefor."

And the Committee recommend that the same be put upon their passage.

DARWIN, Chairman.

The bills, House File No. 303, and House File No. 304, were read a first and second time and passed on file.

MR. SPEAKER :—The Judiciary to whom was referred House File No. 248, "A bill for an act to make the State a party in certain cases," have considered the same and recommend that it be indefinitely postponed.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 173, A bill for an act to enlarge the rights of married women, have considered the same, and recommend that it do pass.

DARWIN, Chairman.

The Judiciary, to whom was referred House File No. —, "A bill for an act to provide for an additional argument time of the Supreme Court," have considered the same, and herewith report a substitute therefor, which they recommend may pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 228, A bill for an act to amend Chapter 100 of the Revision of 1860 of the Laws of Iowa, relative to the estate of decedents, have considered the same and recommend : 1. That Section 11 be amended by striking out "State" and inserting instead, "county." 2. Add to the end of the Section the words "within the State." 3. Strike out Section 17. 4. Strike out Section 18. 5. In Section 4, insert after the word "compensation" "to be determined by the Court." 6. When so amended they recommend that it do pass.

DARWIN, Chairman.

The Judiciary Committee to whom was referred House File No. 160, A bill for an act to amend Chapter 169 of the Acts of the Ninth General Assembly of the State of Iowa, in relation to the duties of railroad companies, approved April 8th, 1862, have considered the same and recommend its indefinite postponement.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 32, An act providing that county judges shall keep a fee-book, having considered the same, recommend that it do pass.

DARWIN, Chairman.

The Judiciary, to whom was referred the accompanying resolution instructing them to consider the expediency of providing for

taking evidence in suits in equity in the same manner as in suits at law, and report by bill or otherwise, have considered the same and report against its present expediency.

DARWIN, Chairman.

The Judiciary, to whom was referred House File No. 142, A bill for an act to amend Section 4153 of the Revision of 1860, and to provide for the collection of costs in criminal cases, have considered the same and recommend by a majority that it be amended as follows :

Amend by striking out of Section one all after the enacting clause, and substitute the following :

"That all witnesses in criminal cases in the District Court, whether subpoenaed on behalf of the State or defendant, shall receive the same mileage and per diem as is prescribed by law for witnesses in civil actions, and shall be paid out of the County Treasury, whether the prosecution fails or succeeds ; Provided, that nothing herein contained shall be so construed as to allow witnesses to claim their fees in such cases in advance, or to apply to costs which have heretofore accrued, or to prevent the court from disallowing the fees of any witnesses who were absent at the time of trial or whose testimony was unimportant or unnecessary.

2d. By inserting after the word "that" in the first line of Section 3 the word "hereafter ;" and that so amended it do pass.

DARWIN, Chairman.

MR. SPEAKER:—The Judiciary, to whom was referred House File 167, "A bill for an act to amend Sections 4209 and 4210 of Chapter 165 of the Revision of 1860," have considered the same and recommend that it do not pass.

DARWIN, Chairman.

MR. SPEAKER:—The Judiciary, to whom was referred House File 98, "A bill for an act to authorize the County Judge of Des Moines county to record and complete the record of the proceedings had before his predecessor in office," have had the same under consideration, and recommend

1st. That the words "Jno. C. Power," also the word "present," be struck from the first section thereof.

2d. That the second section be struck out and the following inserted : "His record so made shall be *prima facie* evidence of its validity."

3d. That so amended it pass.

DARWIN, Chairman.

By leave, Mr. McNutt, from the Committee on Printing, reported the following bill :

House File No. 305, A bill for an act to provide for the publication and distribution of the laws of the 11th General Assembly, which was read a first and second time.

Mr. McNutt moved that the bill be engrossed and read a third time, which motion prevailed.

Mr. McNutt moved that the rule be suspended, and the bill considered engrossed, and read a third time now.

The motion prevailed, and the bill was read a third time, and upon the question, "Shall the bill pass?"

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Sapp, Safely, Serrin, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, West, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—87.

The nays were none.

Absent or not voting, Messrs. Barker, Brown of Madison, Landes, Martin, Rogers, Ryan, Sherman, Sipple, Van Leuven and Wilcox—10.

So the bill passed, and the title was agreed to.

Mr. Godfrey moved to take up Senate messages, which motion prevailed.

Senate File No. 195, A bill for an act to amend an act to create a board of examiners for the examination of school teachers passed by the Board of Education December 20, 1861, was read a first and second time and passed on File.

Senate File No. 189, A bill for an act to annex the township of Charleston, in the county of Lee, to the township of Jackson, Montrose, Des Moines and Van Buren, in said county, for judicial purposes, was read a first and second time.

Ordered that the bill be read a third time.

Mr. Lowdon moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time and upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan,

Russell, Sapp, Safely, Serrin, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, West, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—84.

The nays were, none.

Absent or not voting, Messrs. Barker, Brown of Madison, Brown of Winneshiek, Garber, Martin, McLaughlin, Rogers, Ryan, Sherman, Sipple, Van Leuven, Wilcox and Wilson of Dubuque—13.

So the bill passed and the title was agreed to.

Senate File No. 140, A bill for an act to amend Chapter 98 of the Acts of the Tenth General Assembly, was taken up, considered, read a first and second time and passed on File.

Senate File No. 84, A bill for an act to increase the compensation of Road Supervisors, was read a first and second time.

Mr. Hand moved that the rule be suspended and the bill read a third time now.

Mr. Glasgow moved that it be laid on the table, which motion prevailed.

Senate File No. 77, A bill for an act to amend Section 3, of Chapter 173, of the acts of the Ninth General Assembly, and to fix the compensation of Assessors, was read a first and second time.

On motion of Mr. O'Brien, it was laid on the table.

Senate File No. 149, A bill for an act authorizing the Auditor to collect certain debts due the School Fund, was read a first and second time.

Ordered that the bill be read a third time.

Mr. Tracy moved that the rule be suspended and the bill read a third time now.

The motion prevailed, and the bill was read a third time.

Upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Belt, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Glasgow, Godfrey, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McCullough, McKean, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Safely, Sipple, Tracy, Thacher, Tisdale, Thomson, Walden, West, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—72.

The nays were Messrs. Clark, Garrett, Joy, Serrin, Wilson of Dubuque—5.

Absent and not voting, Messrs. Ballenger, Barker, Bereman, Brown of Madison, Garber, Goodrich, Huggins, Martin, McNutt,

McLaughlin, Mills, O'Brien, Rogers, Ryan, Sapp, Sherman, Travis, Van Leuven, and Wilcox—19.

So the bill passed and the title was agreed to.

Senate File No. 142, "A bill for an act fixing the salaries of certain State officers," was read a first and second time.

Referred to the Committee on Compensation of Public Officers.

Senate File No. 141, "A bill for an act fixing the salaries of the Judges of the District Courts and of the Supreme Court," was read a first and second time.

Mr. Sapp moved to make the Senate File and House File upon the same subject, the special order for Monday, 10 A. M., which motion prevailed.

The Senate memorial to Congress for a grant of land to aid in the construction of the St. Louis & Cedar Rapids Railway, was considered.

Mr. Bennett moved its reference to a select committee of five.

Mr. Knox moved that the memorial be referred to the Committee on Railroads. Lost.

The motion to refer to the select committee was adopted.

By leave, Mr. Knox presented sundry petitions from citizens of Wapello county, praying for the passage of the memorial, which were also referred to the select committee of five.

The Speaker announced the select committee as follows: Messrs. Bennett, Knox, Morgan, Belt, and Finkbine.

On motion of Mr. Abbott, the House adjourned.

2 O'CLOCK P. M.

The House met pursuant to adjournment.

The following Senate resolution was adopted:

Resolved by the Senate of Iowa, the House concurring, That the joint committee appointed to investigate the alleged misappropriation of swamp land indemnity moneys, are hereby instructed to place in the Executive office, after the committee have used the same, all records and papers produced in evidence before, and presented to them by R. G. Orwig, former Private Secretary of the Governor, made, written, or received by him while occupying said position, and which belongs or appertains to the Executive office.

Mr. Knapp, by unanimous consent, called up the following resolution, which he had offered on yesterday, and moved its adoption:

Resolved, That hereafter during this session the House meet at nine o'clock each day and that the hour of three P. M. be devoted to Bills on third reading unless otherwise ordered by unanimous vote of the House.

Mr. Wilcox called for a division of the question.

The first proposition was adopted.

Mr. Conway moved that the word "unanimous" be stricken out and "two-thirds" inserted in lieu thereof.

The motion to strike out and insert prevailed.

The last proposition in the resolution was then adopted.

The resolution of Mr. Alcorn pending at the adjournment on yesterday was then taken up.

Mr. Goodrich moved to amend the resolution by striking out "Committee on Printing," and inserting in lieu thereof "State Printer." Carried.

The resolution was adopted.

Mr. Finkbine introduced the following resolution which was adopted :

WHEREAS, The Albany Bridge Company has built a railroad bridge from the Illinois shore of the Mississippi river across the eastern channel of the same to Little Rock Island, and the Chicago and Northwestern Railway Company has connected the same with a railroad bridge built by them across the western channel of the said river at or near the city of Clinton in Iowa; a part or section of which is a draw bridge so constructed as to admit of the passage of vessels, steamboats, and other river crafts up and down the river; and

WHEREAS, These two railroad bridges with the connection across Little Rock Island are operated together as one to facilitate the transportation of the United States mail, passengers, merchandize and products between the States of Iowa and Illinois, affording safety and despatch to the carrying of the same without any delay or danger from ice or freshets, thereby greatly facilitating the requirements of commerce, and more particularly on account of the safe transmission of the mails of the United States, therefore be it

Resolved by the Senate and House of Representatives of the State of Iowa, That our honorable Senators and members of the House of Representatives in Congress assembled at Washington, be and are hereby requested to obtain the early passage of a bill that shall declare and establish the said bridges and track across Little Rock Island a post or mail-route with the same powers and restrictions as are given and required of other mail-routes.

Resolved, That this resolution be certified by the presiding officers of the two Houses and clerks of the same, and copies forwarded to each of our Senators and Representatives.

By leave, Mr. Hale submitted the following reports :

MR. SPEAKER:—The Committee on Constitutional Amendments, to whom was referred a resolution instructing them "to inquire into the expediency of so amending the constitution of this State as to provide that the Legislature may change county boundaries, and to report by bill or otherwise," have had the same under consideration and instructed me to report the same back to the House with the statement that in the opinion of your committee a change

in our constitution as proposed in said resolution would not only be inexpedient, but unwise.

WM. HALE, Chairman.

MR. SPEAKER:—In compliance with a joint resolution passed by this General Assembly, the committee appointed to investigate the supposed diversion of the swamp land indemnity fund, beg leave to report that we have not been able to take all the testimony in order to report the same to the House as required by the said joint resolution. I am instructed by said committee to make this report and ask further time, to-wit:—until the 20th inst., when it is believed we can make a full report.

WM. HALE, Chairman.

MR. SPEAKER:—The Special Committee, to whom was referred the petition of sundry citizens of Adams county, praying for relief against certain claims set up to certain lands by the Burlington and Missouri River Railroad Company, have had the same under consideration and beg leave to submit the following report:

It was shown to your committee that in the years 1855 and 1856, and before the location of the line of said railroad, a number of the citizens of Adams county, as well also citizens of other counties along the line of said road, made pre-emption claims to lands under the laws of the United States, and the said pre-emptors, after a contest with said railroad company before the Land Office of the United States, were permitted to enter the said lands with gold and land warrants. The entries were accordingly perfected, but afterwards canceled by the Commissioner of the General Land Office and the lands certified to the railroad company. The railroad company now claim the lands and improvements. These citizens settled on these lands, built their houses, opened their farms and made all necessary arrangements for permanent homes. They are now illy prepared to lose their improvements or renew the contest for these lands in the courts.

The Railroad Company having been successful before the Land Office, and knowing the enhanced value of these lands by the toil of their occupants, regards itself as "master of the situation," and consequently demands exorbitant prices, or refuses to dispose of the lands at all. In this condition of things the citizens are thrown into apparent and most trying suspense, and your committee feels disposed to grant them relief.

There is another class of claimants living along the line of said road, whose condition is equally perplexing, and whose rights are equally meritorious. I refer to those claiming lands as swamp and overflowed lands, under the act of Congress of September 28th, 1850, and sundry acts of the General Assembly of Iowa.

The rights of the claimants, however, of this class, have not in most counties been adjusted by any tribunal; but in those where they have been tested, the swamp land claimant has been victorious. We thought it proper, however, to quiet all these difficulties at once, and forever set at rest the constant annoyance caused by these adverse claims.

Your Committee therefore, after a full and careful consideration of the whole subject, have instructed me to report a bill to resume all the lands, rights, powers, and privileges granted by the State to said company by an act of the General Assembly of the State of Iowa, approved July 14, 1856, and also a bill to re-grant the same to said company, on such terms and conditions as would most surely protect the rights of the citizens involved in the enjoyment of their homes, with a recommendation that both be passed. Such bills as above mentioned are accordingly herewith presented.

WM. HALE, Chairman.

House File No. 306, (from the select Committee), A bill for an act to resume all the lands, rights, powers, and privileges heretofore conferred or intended to be conferred upon the Burlington and Missouri River Railroad Company by act of the General Assembly passed July 14, 1856, was read a first and second time and passed upon the Files.

House File No. 307, (from the select Committee), A bill for an act making a grant of lands to the Burlington and Missouri Railroad Company, was read a first and second time and passed upon the Files.

Mr. Finkbine moved that the House take up House File No. 227, A bill for an act to provide for the payment of the bonds of State of Iowa maturing January 1, 1868.

The motion prevailed and the bill was considered by sections.

Mr. Holden moved to fill the first blank in Section 8, with \$500.

Mr. Sipple moved to amend, to fill the blank with \$1,000.

Mr. Knox moved to amend by filling the blank with \$300.

The motion of Mr. Sipple did not prevail.

The motion of Mr. Holden was adopted.

Mr. Bennett moved to amend section 8 by inserting the word "such" before the words "Bonds of the United States," and adding, after the word "States," the words "as may be determined upon by the Board of Supervisors."

Mr. Dudley moved to amend the amendment by filling the blank with the word "registered," which did not prevail.

The motion of Mr. Bennett was adopted.

Mr. Abbott moved to amend section 8 by adding "to loan the same as now provided by law."

Mr. Maxwell moved a call of the House, which was ordered.

Pending the call, Mr. Maxwell moved that future proceedings under the call be dispensed with. Carried.

Mr. Abbott's motion to amend did not prevail.

Mr. Mills moved to amend Sec. 8 by adding: "which shall thus remain until such time as the County Board of Supervisors shall decide by a two-thirds vote that it is for the interest of the school fund to again loan said fund, when it shall be again loaned, as now provided by law."

The amendment was lost.

Mr. Russell moved to amend Sec. 8 as follows, by adding:

"*Provided*, That the Board of Supervisors may, when they are satisfied that the money can be immediately loaned to responsible individuals, order the sale of said bonds, and reloan the money within the county, as provided by law, without loss to the fund."

The motion to amend was adopted.

Mr. Gamble moved that the House do now adjourn, which motion did not prevail.

Mr. Finkbine moved to amend Section 9, by filling the blank with "marker," which motion prevailed.

Mr. Goodrich moved to amend Section first by adding,

"*Provided*, That in all cases where Boards of Supervisors have, as shall appear on their record, contracted to loan money belonging to the School Fund, to Independent School Districts, for the purpose of building school Houses, such contracts shall be fulfilled before any money shall be forwarded from the County to the State Treasury as contemplated in this act," which motion did not prevail.

Mr. Dashiell moved to reconsider the vote by which the blank in Section 9 was filled with the word "marker," which motion did not prevail.

The bill was ordered to be engrossed and read a third time.

Mr. Finkbine moved that the rule be suspended, and the bill be read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Bahl, Belt, Bereman, Bennett, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Griffith, Hand, Holmes, Holden, Joy, Knapp, Leffingwell, Maxwell, McNutt, McCullough, McKean, Morgan, O'Brien, Palmer, Poindexter, Rohlf, Runyan, Russell, Safely, Sipple, Tracy, Thatcher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—63.

The nays were Messrs. Alcorn, Ballinger, Barnes, Barker, Boomer, Brown of Decatur, Buck, Dudley, Fellows, Glasgow, Graves, Hale, Huggins, Knox, Landes, Linderman, Lowdon, Martin, McPherson, Mills, Olmstead, Serrin, Walden, Wright, Williams of Des Moines—25.

Absent and not voting, Messrs. Barker, Conway, Gamble, McLaughlin, Rogers, Ryan, Sapp, Sherman, Sipple and Van Leuven.

So the bill passed and the title was agreed to.

Mr. Maxwell offered the following resolution:

Resolved, That the following shall be the rule of this House. That immediately after the reading of the Journal reports of Committees shall be received, after which messages on the Speake's table, shall be taken up.

The resolution was laid over under the rule.

PETITIONS.

Mr. Clark presented a petition from T. A. Graham and sundry citizens of Tama County, praying that the maintenance of the "Iowa Soldiers' Orphans' Home" be provided for by legislative action.

Referred to the Committee on Orphans' Home.

Mr. Wilson of Marshall, presented a similar petition from sundry citizens of Marshall County, which was referred to the same Committee.

Mr. Godfrey moved that the House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, March 19, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Peet.

Journal of Saturday read and approved.

REPORTS OF COMMITTEES.

Mr. Joy, from the Committee on Compensation of Public Officers, submitted the following reports:

The Committee on Compensation of Public Officers, to whom was referred Senate File No. 142, entitled an act fixing the salaries of certain State officers, have had the same under consideration and propose the following amendments to the first section:

1st. Strike out the word "and" before "Superintendent of Public Instruction."

2d. Insert "and Attorney-General" after the word "Instruction."

3d. After the words "per annum" in the last line add "Provided, that after the taking effect of this act no mileage or per diem shall be allowed the Attorney-General."

And as amended recommend that the same do pass.

WM. L. JOY, Chairman.

The Committee on Compensation of Public Officers, to whom were referred petitions praying for an increase in the compensation of members of the Board of Supervisors, have had the same under consideration, and being of the opinion that it is unnecessary at this time to make any increase in their compensation, have instructed me to report adversely to the prayer of the petitioners and recommend that the said petitions lay upon the table.

WM. L. JOY, Chairman.

The report of the committee was concurred in.

The Committee on Compensation of Public Officers, to whom were referred petitions praying for the enactment of a law giving compensation to School Directors, have had the same under consideration, and being of the opinion that good and efficient men will accept the position of Director for the purpose of furthering the cause of education without compensation, and that nothing will be gained in efficiency or ability by the payment of a pecuniary compensation for their services, have instructed me to report to the House that in the opinion of your committee the prayer of the petitioners should not be allowed.

JOY, Chairman.

The report of the committee was concurred in.

Mr. Dwelle, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:—Your Committee on Engrossed Bills have examined the following House Files and report the same as correctly engrossed:

Substitute for House File No. 40, "A bill for an act requiring swamp land certificates to be recorded."

House File No. 89, "A bill for an act to amend Section 752 of the Revision of 1860."

House File No. 117, "A bill for an act in relation to county court records."

Substitute for House File No. 119, "A bill for an act to amend Chapter 102 of the Revision of 1860."

House File No. 222, "A bill for an act to amend Section 3304, Chapter 125, of the Revision of 1860."

Substitute for House File No. 223, "A bill for an act amendatory to an act entitled an act authorizing mill dams."

L. DWELLE, Chairman.

Mr. Sherman, from the Committee on Railroads, submitted the following reports:

The Committee on Railroads have had under consideration House File No. 283, "A bill for an act to amend an act entitled An act in relation to the duties of Railroad Companies," and have instructed me to report the same back, and recommend its indefinite postponement.

SHERMAN, Chairman.

The Committee on Railroads, to whom was referred House File

No. 280, "A bill for an act to amend section 6 and 7, of chapter 169, of the acts of the Ninth General Assembly, entitled an act in relation to the duties of Railroad Companies," having had the same under consideration, instruct me to report a substitute therefor and recommend its passage.

SHERMAN, Chairman.

The Committee on Railroads, to whom was referred House File No. 102, "A bill for an act in relation to the manner of conveying lands to the McGregor Western Railroad Company," and the substitute therefor by Mr. Tisdale, with instructions to report a bill that shall meet the case provided for in said substitute, respectfully report the substitute back to the House as a substantial compliance with said instructions. The Committee find that said substitute provides for the appointment of a Board of seven Commissioners from counties along the projected line of said Railroad, selected without reference to their ability or experience in the location or construction of railroads, whose duty it shall be from time to time to inspect said McGregor Western Railroad, and if they find portions of said road located and constructed as a first class road, to file a sworn certificate of that fact. Should the location or construction of said road at any time be unsatisfactory to them, they could withhold their certificate, and thus deprive the Company of the benefits of the land grant. The creation of such a Board, composed of citizens living on or near the projected line, with power to fix arbitrarily the line, without regard to cost of construction or operation, in order to advance or foster local interests in the counties in which they reside, would operate unjustly and unfairly to the general interests of citizens living on or near the 43d parallel, as well as to the Railroad Company. We therefore recommend that the bill and substitute lay on the table.

The Committee have also had under consideration House File No. 243, relating to the same subject, and have prepared a substitute therefor, and instruct me to report back to the House, with the recommendation that the substitute do pass.

SHERMAN, Chairman.

I also return numerous petitions from citizens living along the projected line of the McGregor Western Railroad, asking legislation provided for in accompanying bills, and ask that the committee be relieved from their further consideration.

SHERMAN.

The report of the committee was concurred in.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

Mr. SPEAKER.—I am directed to inform your Honorable Body that the Senate has passed the following bills and resolutions, in which the concurrence of the House is asked :

Senate File No. 65, A bill for an act to amend section 18, of chapter 102, of the acts of the Ninth General Assembly, relating to estrays.

Substitute for Senate File No. 37, A bill for an act to legalize the proceedings had to incorporate the city of Independence, Buchanan county, Iowa, and to legalize the acts of the officers of said city.

Senate File No. 197, A bill for an act legalizing certain county warrants in Polk county, Iowa.

Substitute for Senate File No. 109, A bill for an act dispensing with locks in dams and draws in bridges on the Des Moines river.

Senate File No. 203, A bill for an act to legalize the election held by the legal voters of the town of Morning Sun, Louisa county, Iowa, to form an independent school district, and the official acts of the officers of said district.

Senate File No. 205, A bill for an act declaring the continuance of the incorporation of the town of Sigourney, and legalizing the election of officers thereof.

Senate substitute for House File No. 126, A bill for an act to repeal chapter 38 of the acts of the extra session of the Ninth General Assembly, being an act entitled "An act to create the office of Assistant Adjutant General, and defining duties," and to amend section 14 of chapter 84, of the acts of the Tenth General Assembly being an act entitled "An act to organize the militia."

Joint resolution declaring the Iowa river unnavigable.

Joint resolution relative to the capture of Maj. Gen'l Marma-
duke by James D. Dunlavy.

Joint resolution relating to Col. W. T. Shaw.

Also that the Senate refuses to recede from its amendment to the resolution relating to the pay of postmaster, assistant postmaster, and clerk of the investigating committee; ask a conference as to the disagreeing votes of the two Houses thereon, and has appointed Senators Sampson, Ontts and Hedges, managers at the said conference on the part of the Senate.

I also return herewith the bills and resolution hereinafter named, the same having passed the Senate without amendment.

House File No. 124, A bill for an act to provide for the support and education of the blind.

Substitute for House File No. 130, A bill for an act to secure to certain persons, residents of Wayne county, Iowa, their homes at the price of \$1.25 per acre, of lands known as the excess of the 500,000 acre grant.

House File No. 204, A bill for an act to legalize the city election of the city of Knoxville, and the reorganization of the city government, and the official acts of the city council of said city.

Joint Resolution in relation to the outrages upon the First Iowa Cavalry while in Texas under command of Major-General Constar.

JAMES M. WEART, Ass't Secretary.

Mr. McCullough moved that a Committee of Conference be appointed to confer with the Senate Committee in relation to the per diem of the Postmaster, which motion prevailed.

The Speaker announced Messrs. McCullough, Barker and McNutt as such Committee.

Mr. Runyan from the Committee on County and Township Organization submitted the following report :

MR. SPEAKER :—The Committee on County and Township Organization to whom was referred Senate File No. 122, A bill for an act to legalize the acts of the Board of Supervisors of Cass county, in relation to the survey and plat of the town of Lewis, in said county, have had the same under consideration and instruct me to report the same back recommending its passage with the following amendments, viz. : Strike out of the ninth line in Section 1, after the word page, 369, 370, 371, and 372, and insert 375, 376, 377, and 378.

RUNYAN, Chairman.

The Committee on Claims to whom was referred Senate File No. 130, A bill for the relief of Major D. J. Waggoner, have had the same under consideration, and directed me to report the same back to this House and recommend its passage.

CLARK, Chairman.

MESSAGES FROM THE SENATE.

Senate File No. 118, A bill for an act providing for the adjustment of certain claims with the general Government.

Read a first and second time.

Mr. Sapp moved that the bill be made a special order for tomorrow 10 A. M., which motion prevailed.

Senate File No. 205, A bill for an act declaring the continuation of the incorporation of the town of Sigourney, and legalizing the election of officers thereof.

Read a first and second time.

The bill was ordered to be read a third time.

Mr. Morgan moved that the rule be suspended and the bill be read a third time now.

The motion prevailed and the bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barker, Bahl, Belt, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Darwin, Dashiel, Dudley, Dwelle, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Graves, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leftingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, Mills, Morgan,

O'Brien, Olmstead, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—75.

The nays were none.

Absent or not voting, Messrs. Abbott, Barnes, Boomer, Brown of Madison, Crawford, DeForest, Emery, Flanders, Goodrich, Griffith, Hale, McPherson, McLaughlin, McKean, Palmer, Poindexter, Rogers, Serrin, Van Leuven, Walden, West, and Wilson of Dubuque—22.

So the bill passed, and the title was agreed to.

Senate Substitute for House File No. 126, "A bill for an act relating to the Assistant Adjutant General," was read a first and second time.

The bill was ordered to be read a third time.

Mr. Glasgow moved that the rule be suspended, and the bill be read a third time now, which motion prevailed, and the bill was read a third time, and upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barker, Bahl, Belt, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Carbee, Close, Comfort, Conway, Darwin, Dashiell, DeForest, Dudley, Dwelle, Fellows, Finkbine, Gry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, Mills, Morgan, O'Brien, Olmstead, Palmer, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—75.

Mr. Serrin voted in the negative.

Absent or not voting, Messrs. Abbott, Barnes, Bereman, Bolter, Brown of Madison, Clark, Crawford, Emery, Flanders, Godfrey, Hale, McPherson, McLaughlin, McKean, Poindexter, Rogers, Thoru, Van Leuven, Walden, West, Wilson of Dubuque—21.

So the bill passed, and the title was agreed to.

Senate File No. 197, A bill for an act legalizing certain County Warrants in Polk county, Iowa, was read a first and second time.

Mr. Godfrey moved that the bill be referred to a special Committee.

Mr. Finkbine moved that the bill be referred to the Judiciary Committee which motion prevailed.

Substitute for Senate File No. 37, A bill for an act to legalize the act of incorporation and proceedings of the city of Independence, Buchanan county, Iowa, was read a first and second time.

The bill was ordered to be read a third time.

Mr. Wilcox moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs Abernethy, Alcorn, Ballinger, Barker, Bahl, Belt, Beremen, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McCullough, Mills, Morgan, O'Brien, Olmstead, Palmer, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—78.

The nays were, none.

Absent or not voting, Messrs. Abbott, Barnes, Bolter, Brown of Madison, Clark, Crawford, Gaylord, Garrett, Hale, McPherson, McNutt, McLaughlin, McKean, Poindexter, Rogers, Van Leuven, Walden, West—19.

So the bill passed and the title was agreed to.

Senate File No. 203, A bill for an act to legalize the election held by the legal voters of the town of Morning Sun, Louisa county, Iowa, to form an independent school district, and the official acts of the officers of said district, was read a first and second time, and the bill was ordered to be read a third time.

Mr. Brown of Louisa, moved that the rule be suspended, and the bill be read a third time now.

The motion prevailed and the bill was read a third time. And upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Alcorn, Barker, Belt, Bereman, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, Mills, Morgan, O'Brien, Olmstead, Palmer, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—76.

The nays were none.

Absent or not voting, Messrs. Abbott, Ballinger, Barnes, Bahl,

Bennett, Boomer, Bolter, Brown of Madison, Clark, Crawford, Fellows, Garber, Hale, Huggins, McPherson, McLaughlin, McKean, Poindexter, Rogers, Van Leuven, Walden, West, Wilson of Dubuque—21.

So the bill passed, and the title was agreed to.

SPECIAL ORDER.

The hour having arrived for the consideration of special order, which was Senate File No. 141, and substitute for House File No. 103.

Mr. Safely moved that Senate File No. 141, A bill for an act fixing the salaries of the Judges of the District Court, and of the Supreme Court, be taken up, which motion prevailed, and the bill was read a first and second time.

Mr. Fry moved to amend Section 1 by striking out "\$2,000," and inserting "\$1,800."

Mr. Finkbine demanded the yeas and nays, which were ordered and were as follows:

The yeas were Messrs. Abernethy, Alcorn, Bahl, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Carbee, Clark, Close, Comfort, Crawford, Dwelle, Fellows, Fry, Gamble, Gaylord, Garrett, Goodrich, Graves, Hand, Holmes, Knapp, Landes, Lowdon, Martin, Maxwell, McNutt, Mills, O'Brien, Olmstead, Russell, Safely, Thacher, Travis, Thomson, Wilcox, Mr. Speaker—41.

The nays were Messrs. Ballinger, Barker, Belt, Bereman, Bennett, Brown of Van Buren, Burnett, Conway, Darwin, Dashiell, DeForest, Dudley, Emery, Finkbine, Flanders, Gary, Garber, Glasgow, Godfrey, Griffith, Holden, Huggins, Joy, Knox, Leffingwell, Linderman, McCullough, Morgan, Palmer, Rohlf, Runyan, Ryan, Sapp, Serrin, Sherman, Sipple, Tracy, Tisdale, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—44.

Absent or not voting, Messrs. Abbott, Barnes, Boomer, Brown of Madison, Hale, McPherson, McLaughlin, McKean, Rogers, Thorn, Van Leuven, Walden, West—13.

The motion to amend was lost.

Mr. McNutt moved to amend Section 2 so as to read as follows: "That the salaries of the Judges of the Supreme Court shall after the several terms of office of the present incumbents expire be the sum of \$2500 per annum."

Mr. Russell moved to amend the amendment by striking out \$2500 and insert \$2300.

Mr. McNutt demanded the yeas and nays which were ordered and were as follows:

The yeas were Messrs. Abernethy, Alcorn, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Winneshiek,

Buck, Carbee, Clark, Close, Comfort, Dwelle, Fellows, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Goodrich, Graves, Hand, Holmes, Knapp, Landes, Lowdon, Maxwell, McNutt, Mills, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Safely, Sipple, Thatcher, Travis, Thomson, Wilcox, Wright, Mr. Speaker—46.

The nays were Messrs. Ballinger, Barker, Belt, Bereman, Bennett, Brown of Van Buren, Burnett, Conway, Darwin, Dashiell, DeForest, Dudley, Emery, Finkbine, Flanders, Glasgow, Godfrey, Griffith, Holden, Huggins, Joy, Knox, Leffingwell, Linderman, Morgan, Palmer, Runyan, Ryan, Sapp, Serrin, Sherman, Tracy, Tisdale, Wilson of Marshall, Williams of Des Moines, Wilson of Jackson, Wilson of Dubuque, Williams of Winneshiek—38.

Absent or not voting, Messrs. Abbott, Barnes, Brown of Madison, Hale, Martin, McPherson, McLaughlin, McKean, Rogers, Thorn, Van Leuven, West, Wilson of Dubuque—13.

So the motion to amend prevailed.

Mr. Abernethy moved to amend the amendment by substituting the following:

SECTION 2. That each Judge of the Supreme Court hereafter elected, shall receive as compensation for his services the sum of two thousand five hundred dollars per annum.

Mr. Bereman moved to amend the amendment by striking out \$2,500, and inserting \$2,300, which motion prevailed.

Mr. Tracy moved to strike out \$2,300 and insert \$2,400, which was lost.

On the amendment as amended, Mr. McNutt demanded the yeas and nays, which were ordered and were as follows:

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Bahl, Bereman, Boomer, Bolter, Brown of Louisa, Brown of Winneshiek, Buck, Carbee, Comfort, Crawford, Dwelle, Fellows, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Goodrich, Graves, Hand, Knapp, Landes, Lowdon, Martin, McPherson, McNutt, Mills, O'Brien, Olmstead, Poindexter, Russell, Safely, Thatcher, Travis, Thompson, Wilcox, Wright—42.

The nays were Messrs. Barker, Belt, Bennett, Brown of Decatur, Brown of Van Buren, Burnett, Close, Conway, Darwin, DeForest, Dudley, Emery, Finkbine, Glasgow, Godfrey, Griffith, Hale, Holmes, Holden, Huggins, Joy, Knox, Leffingwell, Linderman, Maxwell, McCullough, Morgan, Palmer, Rohlf, Runyan, Ryan, Sapp, Serrin, Sherman, Sipple, Tracy, Tisdale, Thorn, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—44.

Absent or not voting, were Messrs. Abbott, Barnes, Brown of Madison, Clark, Hale, McLaughlin, McKean, Rogers, Van Leuven, Walden, and West—11.

So the amendment was lost.

Mr. Fellows moved to lay the bill on the table.

Upon this question, Mr. Burnett demanded the yeas and nays, which were ordered, and were as follows :

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Bahl, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Winnesheik, Buck, Carbee, Clark, Close, Crawford, Dwelle, Fellows, Flanders, Fry, Gamble, Gaylord, Gary, Garber, Goodrich, Graves, Hand, Holmes, Knapp, Landes, Lowdon, Martin, Maxwell, McNutt, Mills, Olmstead, Poindexter, Russell, Thacher, Thomson, Wilcox, Wright, Mr. Speaker—41.

The nays were Messrs. Barker, Belt, Bereman, Bennett, Brown of Van Buren, Burnett, Conway, Darwin, Dashiell, DeForest, Dudley, Emery, Finkbine, Garrett, Glasgow, Godfrey, Griffith, Holden, Huggins, Joy, Knox, Leffingwell, Linderman, McCullough, Morgan, O'Brien, Palmer, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Travis, Tisdale, Thorn, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—44.

Absent or not voting, Messrs. Abbott, Barnes, Brown of Madison, Comfort, Hale, McPherson, McLaughlin, McKean, Rogers, Van Leuven, Walden, and West—12.

So the motion to lay on the table was lost.

Mr. Close moved to amend by substituting Substitute to House File No. 103, "A bill for an act fixing the salaries of the District and the Supreme Judges," which motion prevailed.

Mr. Sapp moved a call of the House, which motion did not prevail.

The bill was ordered to be engrossed and read a third time.

Mr. Dashiell moved that the rule be suspended and the bill be read a third time now, which motion prevailed.

The bill was read a third time, and upon the question, "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Barker, Bahl, Belt, Bennett, Boomer, Brown of Van Buren, Burnett, Clark, Close, Comfort, Conway, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Gary, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knox, Leffingwell, Linderman, Maxwell, McCullough, Morgan, O'Brien, Palmer, Rohlf, Runyan, Ryan, Sapp, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thorn, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—58.

The nays were Messrs. Abernethy, Alcorn, Ballinger, Bereman, Bolter, Brown of Decatur, Brown of Louisa, Brown of Winnesheik, Buck, Carbee, Crawford, Fellows, Flanders, Fry, Gamble, Gaylord, Garrett, Garber, Knapp, Landes, Lowdon, Martin, McNutt, Mills, Olmstead, Poindexter, Russell, Safely, Thomson—29.

Absent or not voting, Messrs. Abbott, Barnes, Brown of Madison,

Hale, McPherson, McLaughlin, McKean, Rogers, Van Leuven, West—10.

So the bill passed, and the title was agreed to.

By leave, Mr. Bennett, from the Committee on Insane Asylum, introduced House File No. 112, "A bill for act making further appropriations for the Hospital for the Insane," which was read first and second times and referred to the Committee on Ways and Means.

Mr. Conway moved that the House do now adjourn, which motion prevailed and the House adjourned.

2 O'CLOCK P. M.

House met pursuant to adjournment.

The House resumed the consideration of Senate messages.

Substitute for Senate File No. 109, "A bill for an act dispensing with locks in dams and draws in bridges on the Des Moines River," was read first and second times.

Ordered that the bill be read a third time.

Mr. Brown of Van Buren, moved that the rule be suspended, and the bill be read a third time now, which motion prevailed.

The bill was read a third time, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Fellows, Finkbine, Fry, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Garves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, McNutt, McCullough, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—75.

The nays were none.

Absent or not voting, Messrs. Abbott, Barnes, Barker, Belt, Brown of Decatur, Brown of Madison, Clark, Emery, Flanders, Gamble, Gaylord, Hale, Huggins, Maxwell, McPherson, McLaughlin, McKean, Rogers, Ryan, Van Leuven, Walden, West—22.

So the bill passed and the title was agreed to.

Senate File No. 65, "A bill for an act to amend Sec. 18, Chap. 102 of acts of the 9th General Assembly in relation to estrays," was read a first and second times.

Referred to the Committee on Agriculture.

Mr. Tisdale, from the Committee on Enrolled Bills, submitted the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills has examined House File No. 130, and find it correctly enrolled, and it is herewith presented for your signature.

G. J. TISDALE, Chairman.

The joint resolution declaring the Iowa river unnavigable was taken up and considered.

Mr. Finkbine moved that the resolution be indefinitely postponed, which motion did not prevail.

Mr. Serrin moved to amend by striking out "Marengo" and inserting "Koszta."

Mr. Bennett moved that the resolution be referred to a Select Committee of five.

Mr. Burnett moved to refer to the Committee on Commerce, which motion was lost.

The motion to refer to a Select Committee prevailed.

The Speaker announced Messrs. Finkbine, Brown of Louisa, Williams of Des Moines, Serrin and Bennett as such Committee.

The Joint Resolution relative to the capture of Major General Marmaduke, was taken up and considered.

Mr. Poindexter moved to refer the resolution to the Committee on Military Affairs, which motion prevailed.

The Joint Resolution relating to Col. William T. Shaw, was taken up and considered.

Mr. Abernethy moved that the resolution be referred to the Committee on Military Affairs, which motion prevailed.

Preamble and Joint Resolution instructing our Senators and Representatives in Congress on the subject of the re-admission of the rebellious States, was taken up.

Mr. Sapp moved to strike out the word "alone" in eighth line of preamble.

Mr. Darwin moved to refer to the Committee on Federal Relations, which motion prevailed.

Mr. Dashiell moved to take up House File No. 301, A bill for an act to amend Article 2 of an act to define the time of holding courts in the several judicial districts of this State, which motion prevailed.

Mr. Dashiell offered a substitute for the bill and moved its adoption.

Mr. Sapp moved to refer the bill and substitute to a select committee consisting of delegates from the 2d Judicial district, which motion prevailed.

Mr. Sapp moved to take up Senate File No. 122, A bill for an act to legalize the acts of the board of supervisors of Cass county, in relation to the survey and plat of the town of Lewis in said county, which motion prevailed.

The amendments from the Committee were concurred in.

Ordered, that the bill be read a third time.

Mr. Sherman moved to take up House File No. 250, A bill for an act to quiet title to certain lands sold by the State to individuals as part of the Des Moines River Land Grant, which motion prevailed.

Mr. Sapp moved that the bill be postponed until to-morrow at 2 o'clock P. M.

BILLS ON THIRD READING.

House File No. 223, A bill for an act amendatory to an act entitled an act authorizing mill dams, was read a third time and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Alcorn, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Fellows, Finkbine, Gaylord, Gary, Garrett, Glasgow, Goodrich, Graves, Griffith, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCullough, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serin, Sherman, Sipple, Tracy, Thatcher, Travis, Tisdale, Thomson, Thorn, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek, Mr. Speaker—74.

The nays were Messrs. Abbott, Ballinger, Gamble, Martin—4.

Absent or not voting, Messrs. Barnes, Belt, Brown of Madison, Conway, DeForest, Flanders, Fry, Garber, Godfrey, Hale, Hand, McPherson, McLaughlin, McKean, Rogers, Van Leuven, Walden, West, Wilson of Marshall—19.

So the bill passed and the title was agreed to.

House File No. 119, "A bill for an act to amend Chapter 102, of the revision of 1860, was read a third time.

Mr. McNutt moved that the bill be indefinitely postponed, which motion prevailed.

Senate File No. 101, "A bill for an act legalizing conveyances of real estate to the St. Charles Cemetery Association," was read a third time.

Upon the question shall the bill pass, the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bahl, Belt, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow,

Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Wilcox, Wright, Williams of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—84.

The yeas were Messrs. Bereman and Rohlfse—2.

Absent and not voting, Messrs. Barnes, Barker, Brown of Madison, Godfrey, Hale, McPherson, McLaughlin, McKean, Rogers, Van Leuven, Walden and West—12.

So the bill passed, and the title was agreed to.

House File No. 158, A bill for an act to repeal section 2742, of the revision of 1860, was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holmes, Holden, Huggins, Joy, Knapp, Knox, Linderman, Lowdon, Martin, McNutt, McCullough, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlfse, Runyan, Ryan, Sapp, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—75.

The nays were Messrs. Conway, Emery, Hand, Landes, Leffingwell, Russell, Safely, Thorn—8.

Absent or not voting Messrs. Ballinger, Barnes, Brown of Madison, Flanders, Garrett, Hale, Maxwell, McPherson, McLaughlin, McKean, Rogers, Van Leuven, Walden, West—14.

So the bill passed, and the title was agreed to.

House File, No. 222, A bill for an act to amend Section 3304, Chapter 125, of the Revision of 1860, was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, Dwelle, Fellows, Flanders, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holmes, Huggins, Joy, Landes, Leffingwell, Lowdon, Martin, Maxwell, McNutt, Mills, O'Brien, Olmstead, Palmer, Poindexter, Rohlfse, Runyan, Russell, Ryan, Sapp, Safely,

Serrin, Tracy, Thacher, Travis, Tisdale, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—63.

The nays were Messrs. Belt, Brown of Madison, Brown of Winneshiek, DeForest, Emery, Finkbine, Fry, Gamble, Hand, Holden, Knapp, Knox, Linderman, Martin, Sherman, Thomson, Thorn, Wilcox, Williams of Winnesheik—17.

Absent or not voting, Messrs. Barnes, Barker, Brown of Madison, Clark, Gamble, Garrett, Hale, McPherson, McCullough, McLaughlin, McKean, Morgan, Rogers, Sipple, Van Leuven, Walden, West—17.

So the bill passed and the title was agreed to.

Senate File No. 85, A bill for an act concerning acknowledgments of deeds in foreign countries, and to repeal Section 2244 of the Revision of 1860, was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bahl, Belt, Bereman, Bennett, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf's, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—82.

Absent or not voting, Barnes, Barker, Boomer, Bolter, Brown of Madison, Gamble, Garrett, Hale, McPherson, McLaughlin, McKean, Rogers, Van Leuven, Walden, West—15.

So the bill passed and the title was agreed to.

House File No. 135, "A bill for an act to repeal Chapter 87 of the laws of the 9th General Assembly," was taken up and read a third time.

Mr. Tracy moved that it be indefinitely postponed, which motion prevailed.

Substitute for House File No. 19, "A bill for an act to amend the law in reference to the execution of judgments for the foreclosure of mortgages," was read a third time.

On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek,

Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, Mills, Morgan, O'Brien, Olmstead, Palmer, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—85.

The nays were Mr. Poindexter—1.

Absent or not voting Messrs. Barnes, Barker, Brown of Madison, Hale, McPherson, McLaughlin, McKean, Rogers, Van Leuven, Walden and West—11.

So the bill passed and the title was agreed to.

House File No. 104, A bill for an act relating to the subdivision of lands, was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bahl, Belt, Berenan, Boomer, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, Mills, O'Brien, Olmstead, Palmer, Rohlf, Ryan, Sapp, Safely, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—76.

The nays were Messrs. Bolter, Brown of Decatur, Hand, Morgan, Poindexter, Russell, Serrin, Wright—8.

Absent or not voting Messrs. Barnes, Barker, Bennett, Brown of Madison, Hale, McPherson, McKean, Rogers, Runyan, Van Leuven, Walden, West and Wilcox—12.

So the bill passed and the title was agreed to.

Substitute for House File No. 40, A bill for an act requiring Swamp Land certificates to be recorded, was read a third time.

On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bahl, Belt, Beremen, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Flanders,

Fry, Gamble, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Wilcox, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—81.

The nays were, Williams of Des Moines—1.

Absent or not voting, Messrs. Barnes, Barker, Brown of Madison, Carbee, Finkbine, Glasgow, Hale, McPherson, McKean, Rogers, Russell, Sherman, Van Leuven, Walden, West—15.

So the bill passed and the title was agreed to.

Substitute for Senate File No. 72, "A bill for an act to provide Justices of the Peace with a copy of the revision of 1860, was read a third time.

On the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bahl, Belt, Bennett, Brown of Decatur, Brown of Winneshiek, Buck, Clark, Comfort, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Gary, Garber, Glasgow, Goodrich, Graves, Griffith, Hand, Holmes, Huggins, Joy, Knox, Landes, Leffingwell, Linderman, Martin, Maxwell, McCullough, McLaughlin, Morgan, O'Brien, Poindexter, Runyan, Ryan, Sapp, Sipple, Tracy, Thacher, Travis, Tisdale, Thorn, Wright, Wilson of Dubuque, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—53.

The nays were Messrs. Boomer, Bolter, Brown of Louisa, Brown of Van Buren, Burnett, Carbee, Close, Darwin, Emery, Fellows, Flanders, Fry, Gamble, Gaylord, Garrett, Holden, Knapp, Lowdon, McNutt, Mills, Olmstead, Palmer, Rogers, Rohlf, Safely, Serrin, Thomson, Wilcox, Williams of Des Moines, Wilson of Jackson—29.

Absent and not voting, Messrs. Barnes, Barker, Brown of Madison, Finkbine, Godfrey, Hale, McPherson, McKean, Rogers, Russell, Sherman, Van Leuven, Walden and West—14.

So the bill passed and the title was agreed to.

Mr. Finkbine presented a remonstrance from John Williams and sundry citizens of Iowa City against declaring the Iowa River unnavigable, which was referred to the Special Committee, of which Mr. Finkbine is Chairman.

Mr. Thomson presented a memorial from J. F. Skiles, praying for a more stringent law to prevent Sabbath desecration, which was referred to Committee on Police regulations.

Mr. Glasgow presented three petitions from sundry citizens of Wayne County, asking State aid for the Soldiers' Orphans' Home, which were referred to Special Committee, of which Mr. Darwin is Chairman.

Mr. McPherson presented a petition from Wm. Maxwell, and sundry other citizens of Guthrie County, praying for State aid for the Soldiers' Orphans' Home, which was referred to Committee on Soldiers' Orphans' Home.

Mr. Runyan presented a petition from sundry citizens of Benton County, praying for State aid, for the Soldiers' Orphans' Home, which was referred to the same Committee.

Mr. Close presented the remonstrance of L. Streeter and sundry other citizens of Blackhawk County, against the repeal of the liquor law, which was referred to Committee on the Suppression of Intemperance.

Mr. Safely presented a petition of sundry citizens of Cedar County, asking for changes in the school law, which was referred to the Committee on schools.

Mr. McCullough moved that this House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, March 20, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Wetmore.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bills, in which the concurrence of the House is asked:

Substitute for Senate File No. 123, "A bill for an act to repeal Section first of Chapter 44, of the Acts of the Tenth General Assembly in relation to the issue of preferred stock by railroad companies."

Senate File No. 134, "A bill for an act to amend Sec. 6 of Chap. 129 of the Acts of the Tenth General Assembly."

Senate File No. 157, "A bill for an act appropriating money for the State Library."

Senate File No. 211, "A bill for an act to amend Section No. 4155 of the Revision of 1860, regulating the fees of County Surveyors."

I also return House File No. 244, "A bill for an act to repeal Sections 1715, 1716, and 1739 of the Revision of 1860, and Section

6 of Chapter 121 of the Acts of the Tenth General Assembly, in relation to the Boards of Trustees of the Agricultural College and Farm," with amendments, as follows, viz :

Amend Sec. 1 by striking out in the 4th, 5th and 6th lines the words "in number equal to the number of Judicial Districts of the State, no two to be elected from the same District," and inserting the words, "composed of one member elected from each Judicial District;" also, by striking out in the 8th line the word "society," and inserting the words "College and Farm."

Amend Sec. 2 by inserting in the 1st line after "Sec. 2," the following words, viz : "The present session of the General Assembly shall elect in joint convention all of said Board of Trustees, six of whom shall serve for the term of two years, and the other six for the term of four years, from the 1st day of May, 1866, and the General Assembly at each biennial session thereafter, shall elect one-half of said Board of Trustees, who shall serve for four years from the 1st day of May after their election," and by striking out the 5th, 6th, 7th and 8th lines.

I also return herewith the following bills, the same having passed the Senate without amendment :

Substitute for House File No. 71, "A bill for an act regulating appeals to the Supreme Court in certain cases."

House File No. 80, "A bill for an act to repeal Chapter forty-one of the Acts of the Fifth General Assembly, entitled an act to encourage agriculture and mechanic arts in Johnson county, approved July 20th, 1855."

JAMES M. WEART, Ass't Secretary.

Mr. Martin moved that House File No. 168, "A bill for an act resuming the lands granted to the Cedar Rapids and Missouri River Railroad Company, be recalled from the Committee on Railroads, and referred to the Committee on Public Lands.

Mr. Safely moved the previous question, which was seconded.

The question "Shall the main question be now put?" was decided in the affirmative.

The motion to refer to the Committee on Public Lands prevailed.

By leave, Mr. Bennett submitted the following report :

MR. SPEAKER :—Your Committee to whom was referred Senate memorial to Congress for a grant of land to aid in the construction of the St. Louis and Cedar Rapids Railway, have had the same under consideration, and report the same back with a substitute with the recommendation that the substitute do pass.

G. G. BENNETT, Chairman.

SPECIAL ORDER.

The special order for this hour being Senate File No. 118, A bill for an act providing for the adjustment of certain claims with the General Government, it was taken up and considered.

Mr. Finkbine moved to strike out the third paragraph of the preamble.

Mr. Holden moved to postpone further consideration of the bill until Thursday next at 10 o'clock A. M.

Mr. Goodrich moved to amend by striking out Thursday and inserting Saturday, which motion prevailed.

The motion to postpone was adopted.

Mr. Sherman moved that House File No. 215, A bill for an act providing for the completion of the Geological Survey of the State of Iowa, be made the special order for to-morrow at 10 A. M., which motion prevailed.

REPORTS OF COMMITTEES.

Mr. McNutt from the Committee on Printing submitted the following report :

MR. SPEAKER:—In obedience to a resolution adopted by this House instructing the Committee on Printing to employ the Rev. Abraham Jacobson to translate the Governor's Biennial Message and Inaugural Address into the Norwegian language, your Committee did employ the said Jacobson as instructed, and he has returned manuscript translation of the Inaugural. Your Committee beg leave to state, that in the meantime, the State Printer had the aforesaid documents translated and published in the said language. Your Committee recommend that Mr. Jacobson be paid for the services he has done, and that the Committee on Ways and Means provide therefor.

All of which is respectfully submitted.

SAMUEL McNUTT, Chairman.

Mr. Thomson from the Committee on Agriculture submitted the following report :

MR. SPEAKER:—Your Committee on Agriculture to whom was referred Senate File No. 65, A bill for an act to amend Section 18, of Chapter 102, of the acts of the Ninth General Assembly in relation to Estrays, have had the same under consideration and have instructed me to report the same back to the House with the following amendment: Strike out from the fifth line the words "seventy-five per cent. of," and recommend the adoption of the amendment, and that the bill as amended be put upon its passage.

THOMSON, Chairman.

Your Committee on Agriculture to whom was referred Senate File No. 150, A bill for an act for the further protection of game, have had the same under consideration and have instructed me to report the same back to the House, and to state that inasmuch as prairie chickens are in the western and a considerable portion of the central parts of the State so injurious to the settlers that they are unable to raise the necessary vegetables, &c., for the use of their families, and being of the opinion that it is more the

duty of the Legislature to protect men, women and children than prairie chickens, recommend that the bill be indefinitely postponed.

H. M. THOMSON, Chairman.

Mr. Dwelle from the Committee on Engrossed Bills submitted the following report :

MR. SPEAKER :—Your Committee on Engrossed bills have examined the following House File, and report the same as correctly engrossed :

House File No. 257, A bill for an act to authorize and empower counties and cities to compromise and pay off bonds, coupons, and judgments thereon, and to provide the means thereof.

L. DWELLE, Chairman.

Mr. Tracy from the Committee on Suppression of Intemperance, submitted the following report :

Your Committee, to whom was referred numerous petitions, remonstrances &c., relating to the liquor traffic, beg leave to submit the following report :

We have carefully studied the many facts and questions involved in the subject under consideration. We believe it is universally admitted that intemperance is a great evil. It is also admitted that this evil has steadily and alarmingly increased during the past five years. This is largely owing to the fact that the excitements and temptations of war have swept over the whole land, producing greater inclinations to intemperate excesses in both civil and military life than ordinarily exist in time of peace ; and also to the fact that the moral, intellectual, and material strength of the people has been almost wholly absorbed in the great conflict for the preservation of the national life. Under these circumstances the ordinary means used to suppress intemperance have been much neglected, and the evil has greatly increased.

Your Committee have had under consideration various petitions from different parts of the State praying for the repeal of the laws now in force in this State, relating to the sale of intoxicating liquors, and for the enactment of a license law which will allow the sale of all kinds of spirituous liquors under certain regulations and restrictions. Your Committee respectfully recommend that the prayer of these petitioners be not granted for the following reasons, to-wit :

First—There is no evidence whatever that a majority, or even a very considerable minority of the people of Iowa have any friendly sympathy with the desires expressed in these petitions. Organized, systematic and persistent efforts to secure signatures to such petitions, have resulted in obtaining only about eight thousand names.

Second—In some of these petitions there is strong presumptive evidence of forgery ; and several persons whose names are attached to such petitions have already advised their representatives

in this honorable body that their names were thus used without their authority or consent. Such efforts to secure desired legislation by means of fraud and forgery deserve more than mere verbal rebuke and condemnation.

Third—Petitions nearly or quite as numerous signed have been sent up from all parts of the State praying for the maintenance of the present law, remonstrating against the enactment of a license law, or asking that the present law be made more stringent by the repeal of that provision which permits the sale of wine, beer and cider.

Fourth—The use of intoxicating liquors being an evil in all respects, producing poverty, disease, crime, and misery, it is clearly the duty of the State to discourage it by wise and practicable laws. Saying nothing of the moral evils connected with the traffic, in intoxicating beverages, the insecurity of life and property resulting from their use, and the unfavorable manner in which every branch of legitimate and honorable business is affected by it, are sufficient reasons for the enactment and enforcement of laws that shall prohibit the sale of alcoholic and other poisons, commonly in use as beverages. The liquor dealers in the State of Iowa claim to have two millions of dollars invested in their business. Here is a very large capital, which, if employed in farming, the mechanic arts, or manufactures, would add vastly to the wealth and prosperity of our State. Employed as it now is, it may add largely to the gains of a few men; but, to the many, idleness, poverty, misery, and premature death are the bitter fruits of such an investment. The aggregate profits of the few who have this capital invested in the liquor trade must be nearly one million of dollars per year. Nearly all this vast sum, if not paid for intoxicating drinks, would be paid to our farmers, mechanics and merchants for the necessary comforts of life, or otherwise invested in such a manner as to add to the wealth and happiness of men and their families.

Fifth.—Your committee find in the records of the Courts of this State additional reasons for the belief that strong legal enactments for the suppression of intemperance are a necessity of the times. The official reports made to the Secretary of State, and by him communicated to the General Assembly, show that there were seven hundred and sixty-two criminal prosecutions in the State during the year ending November 30, 1864. As nearly as can be ascertained, nearly or quite one-half of these were the direct result of the sale or use of intoxicating drinks. The reports for the year ending October 31st, 1865, show a similar result, with a large increase of criminal cases over the previous year. It is an undeniable fact, attested by statistics, that the effective suppression of intemperance in our State would deprive our criminal courts of one-half their business, lessen by one-half the heavy costs of criminal prosecutions, and reduce by one-half the number of prisoners in our county jails and State prison.

Sixth.—The men who carry on the business, the evil results of which are thus clearly manifest, and who now ask for legislation favorable to their traffic, have organized a secret political association, the object of which appears to be to resist the laws of the State, so far as those laws conflict with their traffic. They publicly proclaimed their determination to vote only for candidates who are pledged in writing to favor their plans; and have *privately* levied heavy contributions on the liquor dealers of the State, thereby raising a large fund with which to resist the enforcement of the laws, and to secure, by means of money, such legislative and judicial action as may aid them in the accomplishment of their unlawful purposes. The fifth article of the constitution of their "State Liquor Dealers' Association" is as follows:

"SEC. 1. This association shall comprise distillers, wholesale liquor merchants, druggists and saloon keepers, and are to be classified and pay dues as follows:

"No. 1. Distillers. *First Class.*—Houses over 1000 bushels capacity per day, fifteen dollars per month. *Second Class.*—Houses from 500 to 1000 bushels per day, ten dollars per month. *Third Class.*—Houses of less than 500 bushels per day, five dollars per month.

"No. 2. Wholesale Dealers. *First Class.*—Ten dollars per month. *Second Class.*—Five dollars per month.

"No. 3. *Third Class.*—Druggists, five dollars per month.

"No. 4. Saloon Keepers. *First Class.*—Two dollars and fifty cents per month. *Second Class.*—One dollar per month.

"SEC. 2. All local organizations shall be governed by the above schedule, and remit monthly to the general treasurer all surplus money over their local expenses."

Thus men are openly engaged in carrying on the traffic in spirituous liquors in defiance of the laws and public sentiment of the State, and are using a part of their unlawful gains in fortifying themselves against law and justice. To comply with the demand of such conspirators would be an outrage against *civilization and the moral sense of mankind.*

Seventh.—The plea that the present law is insufficient, and that a judicious license law would accomplish more for the suppression of intemperance, is sufficiently answered by the fact that, while the liquor dealers are unanimously in favor of a license law, the *known and tried* friends of sobriety are with almost equal unanimity opposed to such a law. It is claimed by the latter that a license law would legalize and give respectability to the traffic, and thus increase its power for evil, and that a civilized and Christian people should have no partnership in, or bloody their hands with any share in the profits of a business so ruinous in its effects upon individuals and communities.

Eighth. There is now throughout nearly all parts of the State a manifest determination on the part of the people to enforce the

present law against the criminal traffic in spirituous liquors. In counties where *faithful and persistent* efforts are made to suppress the traffic by law, beneficent results are plainly apparent; and in many localities intemperance is almost wholly suppressed. During recent terms of the District Courts in several counties, merited justice has been meted out to offenders in the infliction of heavy fines, accompanied by severe rebukes in open court.

Ninth.--There is a very strong, if not predominant, public sentiment in the State favorable to more stringent enactments than any now in force for the entire suppression of the traffic in *all* spirituous, vinous, and malt liquors; and with this sentiment a part of your committee fully agree. Believing, therefore, that intemperance is a great evil, to suppress which *legal enactments*, as well as *moral means* are necessary, and that the present laws of the State relating thereto are wise and practicable, and hoping that the people and the judiciary will sustain and enforce them, your committee would most respectfully recommend that the laws of the State now in force, in so far as they *prohibit* and *punish* the manufacture and sale of intoxicating liquors, shall not be repealed or modified so as to make them less prohibitory.

All of which is respectfully submitted.

L. D. TRACY, Chairman,
B. R. PALMER, Secretary,
JOHN G. SAFELY,
L. DWELLE,
JOHN P. CARBEE,
T. A. MORGAN,
Majority of the Committee.

Mr. Bennett moved that the report be laid on the table and printed, which motion prevailed.

SENATE MESSAGES.

Senate File No. 134, A bill for an act to amend section 6, of chapter 129, of the acts of the Tenth General Assembly, was read a first and second time, and referred to the Committee on Judiciary.

Substitute for Senate File No. 123, A bill for an act to amend chapter 44, of the acts of the Tenth General Assembly, was read a first and second time, and referred to the Committee on Railroads.

Senate File No. 157, A bill for an act appropriating money for the State Library, was read a first and second time, and referred to the Committee on Library.

Senate File No. 211, A bill for an act to amend section 4055 of the Revision of 1860, regulating the fees of County Surveyors, was read a first and second time, and referred to the select committee, of which Mr. Williams of Des Moines is chairman.

Senate amendments to House File No. 244, A bill for an act to amend sections 1715, 1716, and 1739, of chapter 67, of the Revis-

ion of 1860, and section 6, of chapter 121, of the acts of the Tenth General Assembly, were considered; and, upon the question of concurring in the same, the yeas and nays were as follows: .

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Dashiell, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gaylord, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tisdale, Thomson, Walden, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek. Mr. Speaker—70.

Absent or not voting Messrs. Barnes, Barker, Darwin, DeForest, Fellows, Gamble, Gary, Garrett, Hale, Huggins, Knox, Martin, McPherson, McKean, O'Brien, Poindexter, Rogers, Sipple, Tracy, Thacher, Travis, Thorn, Van Leuven, West, Wright, Wilson of Dubuque, Wilson of Marshal—27.

So the Senate amendment was concurred in.

BILLS ON SECOND READING.

The House resumed consideration of House File No. 258, A bill for an act to amend chapter 172, of the acts of the regular session of the Ninth General Assembly.

The motion of Mr. Hand to strike out all of section 1st, after the enacting clause, did not prevail.

Mr. Safely moved to amend by adding to section 2 the following: "Sections 6 and 8 of said chapter 172 are hereby amended by striking out the word "Monday" in the second line of said sections, and inserting instead thereof the word "Saturday," which motion prevailed.

Mr. Comfort moved to amend by striking out of section 2 all after the word "any" in 5th line, which motion did not prevail.

Mr. Mills moved to strike out all after the word "admitted," in seventh line of section 2, which motion prevailed.

Mr. Morgan moved to strike out section 3.

Mr. Gamble moved that the House do now adjourn, which motion prevailed, and the House adjourned.

2 O'CLOCK P. M.

The House met pursuant to adjournment.

SPECIAL ORDER.

The hour having arrived for the Special Order, House File No.

250, A bill for an act to quiet the title to certain lands sold by the State to individuals as part of the Des Moines River Land Grant, it was considered.

The amendment recommended by the Committee was adopted, and the bill ordered to be engrossed and read a third time.

By leave, Mr. Hand offered the following resolution :

A PROPOSAL TO AMEND THE CONSTITUTION OF THE STATE OF IOWA.

Be it resolved by the General Assembly of the State of Iowa, That the following amendment to the Constitution of the State of Iowa is hereby proposed :

Strike from section 30, of article 3 thereof, "and no law changing the boundary lines of any county shall have effect until, upon being submitted to the people of the counties affected by the change at a general election, it shall be approved by a majority of the votes in each county cast for and against it.

G. W. HAND.

The resolution was referred to the Committee on New Counties.

The House resumed consideration of House File No. 258, A bill for an act to amend Chapter 172 of the acts of the regular session of the Ninth General Assembly.

The motion to strike out Section three was withdrawn.

Mr. Morgan moved to strike out "twenty" in the fourth line and insert "fifteen."

Mr. Bennett moved to lay the bill on the table.

Upon the question to lay upon the table the yeas and nays were demanded and were as follows :

The yeas were Messrs. Abbott, Bahl, Belt, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Buck, Carbee, Close, Comfort, Conway, Fry, Gamble, Gary, Hand, Holden, Knapp, Knox, Landes, Maxwell, McNutt, McCullough, McLaughlin, O'Brien, Olmstead, Rohlf, Russell, Safely, Thacher, Thorn, Wilcox—33.

The nays were Messrs. Abernethy, Alcorn, Beremen, Bolter, Brown of Decatur, Brown of Van Buren, Burnett, Clark, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Gaylord, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holmes, Huggins, Joy, Leffingwell, Linderman, Lowdon, Mills, Morgan, Palmer, Poindexter, Runyan, Ryan, Sapp, Serrin, Sherman, Sipple, Tracy, Travis, Tisdale, Thomson, Walden, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker.—52.

Absent or not voting, Messrs. Ballinger, Barnes, Barker, DeForest, Hale, Martin, McPherson, McKean, Rogers, Van Leuven, West, Wilson of Dubuque.—12.

So the motion to lay on the table did not prevail.

The amendment was adopted.

Mr. Tracy moved to strike out Sec. 3, and demanded the yeas and nays, which were as follows:

The yeas were Messrs. Bahl, Belt, Bennett, Boomer, Brown of Madison, Brown of Winneshiek, Buck, Carbee, Clark, Close, Conway, Dashiell, Dwelle, Emery, Flanders, Gamble, Gary, Griffith, Hand, Knapp, Knox, Landes, Martin, Maxwell, McCullough, O'Brien, Olmstead, Rohlf, Russell, Ryan, Safely, Sipple, Tracy, Thacher, Thorn, Wilcox, Wilson of Dubuque, Williams of Des Moines—38.

The nays were Messrs. Abernethy, Abbott, Alcorn, Bereman, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Burnett, Comfort, Crawford, Darwin, Dudley, Fellows, Finkbine, Fry, Gaylord, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Holmes, Huggins, Joy, Leffingwell, Linderman, Lowdon, McNutt, McLaughlin, Mills, Morgan, Palmer, Poindexter, Runyan, Sapp, Serrin, Sherman, Travis, Tisdale, Thomson, Walden, Wright, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—48.

Absent or not voting, Messrs. Ballinger, Barnes, Barker, DeForest, Hale, Holden, McPherson, McKean, Rogers, Van Leuven and West—11.

So the motion did not prevail.

BILLS ON THIRD READING.

House File No. 117, "A bill for an act in relation to County Court records," was read a third time, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—85.

The nays were none.

Absent or not voting, Messrs. Ballinger, Barnes, Barker, DeForest, Gaylord, Hale, McPherson, McKean, Rogers, Van Leuven, West and Wilson of Dubuque—12.

So the bill passed and the title was agreed to.

House File No. 177, A bill for an act to legalize the acts of the

Board of Supervisors of Washington county, Iowa, was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Bahl, Belt, Bennett Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Knapp, Knox, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Tisdale, Thomson, Thorn, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—74.

The nays were Messrs. Bereman, Brown of Winnesheik, Dashiell, Joy, Travis—5.

Absent or not voting, Messrs. Ballinger, Barnes, Barker, Boomer, Bolter, DeForest, Gamble, Hale, Landes, McPherson, McNutt, McKean, Rogers, Russell, Van Leuven, Walden, West, and Wilson of Dubuque—18.

So the bill passed and the title was agreed to.

Substitute for Senate File No. 7, A bill for an act providing dockets for justices of the peace, was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—79.

The nays were Messrs. Lowdon, Thorn—2.

Absent or not voting, Messrs. Ballinger, Barnes, Barker, Brown of Louisa, DeForest, Dudley, Gamble, Hale, Martin, McPherson, McKean, Rogers, Van Leuven, Walden, West, Wilson of Dubuque—16.

So the bill passed and the title was agreed to.

House File No. 2, "A bill for an act disfranchising certain persons who evaded military duty," was read a third time.

Mr. Godfrey moved that the bill be indefinitely postponed, which motion did not prevail.

Mr. Sipple moved that the bill be made a special order for Friday next at 10 A. M. The motion did not prevail.

Mr. Sapp moved that the bill be postponed until Thursday next at 10 A. M., which motion prevailed.

House File No. 89, "A bill for an act to amend Section 752 of the Revision of 1860," was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—83.

The nays were none.

Absent or not voting, Messrs. Barnes, Bahl, Barker, DeForest, Gamble, Hale, Maxwell, McPherson, McKean, Rogers, Serrin, West, Van Leuven, Wilson of Dubuque—14.

So the bill passed and the title was agreed to.

Senate File No. 122, A bill for an act to legalize the acts of the board of supervisors of Cass county, in relation to the survey and plat of the town of Lewis in said county, was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Graves, Griffith, Hand, Huggins, Joy, Knapp, Leffingwell, Linderman, Lowdon, Martin, McCullough, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Sipple, Tracy, Travis, Tisdale, Thomson, Walden, Wilcox, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—68.

Absent or not voting, Messrs. Ballinger, Barnes, Barker, Clark, Fellows, Finkbine, Deforest, Gamble, Goodrich, Hale, Holmes, Holden, Knox, Landes, Maxwell, McPherson, McNutt, McLaughlin, McKean, Rogers, Serrin, Thacher, Thorn, Van Leuven, West, Wright, Wilson of Dubuque, Williams of Des Moines—28.

So the bill passed and the title was agreed to.

House File No. 257, A bill for an act to authorize and empower counties and cities to compromise and pay off bonds, coupons, and judgments thereon, and to provide the means thereof, was read a third time. Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Ballinger, Belt, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiel, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gaylord, Gary, Garber, Glasgow, Godfrey, Graves, Griffith, Hand, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, Mills, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Travis, Tisdale, Thomson, Thorn, Walden, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—76.

The nays were Messrs. Bereman and Garrett—2.

Absent or not voting Messrs. Alcorn, Barnes, Barker, Bahl, Deforest, Flanders, Gamble, Goodrich, Hale, Holden, McPherson, McKean, Morgan, Rogers, Thacher, Van Leuven, West, Wright, Wilson of Dubuque—14.

So the bill passed and the title was agreed to.

The House resumed consideration of House File No. 258, A bill for an act to amend Chapter 172 of the acts of the regular session of the Ninth General Assembly.

Mr. Alcorn offered the following amendment:

Strike out all after to-wit, in second line of the 4th Section and insert the following:

"They shall also furnish the necessary text-books for the use of the schools, and provide for the payment of the expense thereof out of the contingent fund."

The amendment did not prevail.

Mr. Knox moved to strike out Section 6.

Mr. Brown of Decatur, moved to amend by striking out §1 and insert §2.

The amendment was lost.

Mr. Morgan moved to add to Section 6 "to be paid out of contingent fund of said district," which motion prevailed.

The motion to strike out Section 6 prevailed.

Mr. Thorn moved to add to Section 8 "and all other histories," which motion did not prevail.

Mr. Godfrey moved to strike out in third line Section 9, before the word "dollars," the word "three" and insert "four."

Mr. Thorn moved to amend by striking out "four" and inserting "five."

The amendment was lost.

Mr. Comfort moved to amend by striking out "3," and insert "2."

The amendment to the amendment was lost.

The amendment was lost.

Mr. Martin moved that the House do now adjourn, which motion did not prevail.

Mr. Fry moved to strike out "term," and insert "year," which motion did not prevail.

Mr. Close moved to strike out Section nine.

Upon this question, Mr. Wilson of Marshall demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abbott, Ballinger, Belt, Buck, Close, Comfort, Gaylord, Gary, Hand, Holden, Martin, Maxwell, Poindexter, Ryan, Tracy, Thomson, Thorn—17.

The nays were Messrs. Alcorn, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Conway, Crawford, Darwin, Dashiell, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, McCullough, Mills, Morgan, O'Brien, Olmstead, Palmer, Rohlf, Runyan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—66.

Absent and not voting, Messrs. Abernethy, Barnes, Barker, DeForest, Dwelle, Hale, McPherson, McNutt, McLaughlin, McKean, Rogers, Russell, Van Leuven, Walden, West and Wright—16.

The motion did not prevail.

Mr. Poindexter moved to strike out all between the word "visit," in the third line, and "provided," in the sixth line, which motion did not prevail.

Mr. Flanders offered the following substitute for sections 10 and 11:

Sec. 10. Section 84 of said chapter 172 is hereby amended by striking out of the first line thereof the word "or," and insert in said line, after the word "town," the words, "or sub-district." Also, by striking out of the second line of said section 84, the word "three," and inserting instead thereof the word "two."

Sec. 11. Section 84 of said chapter 172 is hereby amended by

striking out of the second line thereof the word "or," and inserting after the word "town," of said line, the words "or sub-district."

Mr. Hand moved to amend by striking out the word "two," and inserting "one," which motion did not prevail.

The substitute for section 10 was adopted.

Mr. McNutt moved to strike out section 11, which motion prevailed.

Mr. McNutt moved to strike out section 13, which motion prevailed.

Mr. Close moved to amend by adding the following section :

That if the electors of any sub-district at their last annual meeting shall have voted to raise a tax not exceeding five mills on the dollar for teachers' fund for their sub-district, the Board of Directors shall not levy an additional tax on said sub-district for teachers' fund, but shall cause the same to be certified as aforesaid, in which case it shall be the duty of the Board of Supervisors to levy such tax upon the property of the sub-district voting therefor, and it shall be collected and paid over as aforesaid for the benefit of said sub-district.

Mr. Boomer moved that the House do now adjourn, which motion did not prevail.

Upon the question of the adoption of the amendment, Mr. Close demanded the yeas and nays, which were as follows :

The yeas were Messrs. Abbott, Ballinger, Belt, Bennett, Brown of Van Buren, Brown of Winneshiek, Carbee, Close, Comfort, Conway, Dashiell, Dwelle, Emery, Fry, Gaylord, Gary, Hand, Holden, Martin, Maxwell, Mills, O'Brien, Olmstead, Poindexter, Ryan, Serrin, Sherman, Sipple, Wilson of Jackson, Williams of Winneshiek—30.

The nays were Messrs. Abernethy, Alcorn, Bahl, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Buck, Burnett, Clark, Conway, Crawford, Darwin, Dudley, Fellows, Finkbine, Flanders, Gamble, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, McCullough, Morgan, Palmer, Rohlf, Runyan, Russell, Sapp, Safely, Tracy, Travis, Tisdale, Thomson, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Mr. Speaker—52.

Absent or not voting, Barnes, Barker, DeForest, Hale, McPherson, McNutt, McLaughlin, McKean, Rogers, Thatcher, Thorn, Van Leuven, Walden, West, Wright—15.

So the amendment was lost.

Mr. Burnett moved to amend by adding the following Section :

SECTION —. That Section 18, of said Chapter 172, be amended by striking out the word April in the fourth line and inserting March.

That Section 19, of said Chapter 172, be amended by striking out the word April in the second line and inserting March.

That Section 31, of said Chapter 172, be amended by striking out the word April in the second line and inserting March.

That Section 28, of said Chapter 172, be amended by striking out the word April in the second line and inserting March.

The amendment was adopted.

Mr. Thomson offered the following amendment as Sections four and five.

SECTION 4. That Section 21, of Chapter 172, of the Statutes of the Ninth General Assembly, be and the same is hereby amended so as to read as follows, to-wit: "They shall fix the site for each school house, taking into consideration the geographical position and convenience of the people of each portion of the sub-district," *Provided*, That when a proper site is selected an amicable arrangement cannot be obtained with the owner for the same, or if the owner cannot be found, it shall be the duty of said Board of Directors to estimate the extent of land necessary for a suitable site for such school house, and said Board of Directors shall, within five days thereafter, file a written notice of their doings with the County Judge of their proper County, who shall forthwith appoint three disinterested citizens of his county as appraisers, who shall be non-residents of the township requiring such school house, and whom he shall notify in writing of their appointment, and shall in such notice designate a day in which they shall meet at the office of some Justice of the Peace in the neighborhood where such school house is required to be built, and there take and subscribe an oath to faithfully appraise the value of such school site, and also what damage the owner of the land will sustain through the taking of the same for the use of the school district, and the cost of the appraisement shall defray out of the contingent fund of the sub-district requiring such school house; *Provided*, That said appraisers shall not receive more than two dollars per day for such service.

Sec. 5. *And be it further enacted*, That the appraisers shall make out and deliver to the Board of Directors a written certificate showing a full description of the site, the amount of land embraced therein, and also the value of the same; on the receipt of which the Board of Directors shall proceed to notify the owner, it known, of the amount of land selected, and the value and situation of the same, and shall tender to him the appraised value thereof; and if the owner is not known, or is a non-resident of the county, then a written notice, setting forth the amount of land selected, a full description of the same and the amount of the appraised value thereof shall be posted up in some public place near where said school-house is proposed to be built, and another similar notice shall also be posted up on the Court House door of their proper county, and they shall cause the amount of the appraised value and damage to be retained in the school district township treasury for the immediate and prompt payment when called for; and the Board of Di-

rectors shall then be at liberty to take possession of the site so selected and described, for the purpose of erecting a school house thereon.

The following message was received from the Senate:

MESSAGE FROM THE SENATE.

Mr. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House it asked:

Senate File No. 213, A bill for an act fixing the time of holding court in the Eleventh Judicial District.

JAMES M. WEART, Asst. Secretary.

PETITIONS.

Mr. Brown of Madison presented a petition from William Martin and numerous other citizens of Warren and Madison counties praying the Legislature to pass an act providing for the maintenance of the Iowa Soldiers' Orphans' Home, which was referred to the Committee on Orphans' Home.

Mr. Brown of Louisa presented a petition from J. C. Parsons and numerous other citizens of Louisa county, praying for a memorial from the Legislature to Congress asking for the passage of an act declaring the Iowa River not a navigable stream, which was referred to the Committee on Federal Relations.

Mr. Belt presented three petitions signed by G. M. Howlett, C. M. Burton, Wm. Stewart and sundry other citizens of Linn county praying the Legislature to memorialize Congress to aid in the construction of the St. Louis and Cedar Rapids Railroad by land grants, which was referred to the Committee on Railroads.

Mr. Burnett presented a petition from the Board of Directors of the Independent District of the City of Muscatine and others, praying the Legislature to amend certain school laws, which was referred to the Committee on Schools.

Mr. Sipple moved that the House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, March 21, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. A. D. Kellison.

Journal of Saturday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked.

Senate File No. 112, A bill for an act relating to accounts in the office of Auditor of State and Treasurer of State.

I also return herewith joint resolution relative to appointing Trustees for the Blind Asylum, it having passed the Senate without amendment.

JAMES M. WEART, Assistant Secretary.

Mr. Morgan moved that the Senate memorial to Congress for a grant of land to aid in the construction of the St. Louis and Cedar Rapids Railroad be taken up, which motion prevailed.

The substitute recommended by the Committee was adopted in lieu of the original memorial.

The substitute was then passed.

Mr. Abernethy presented the following protest, which was read and ordered to be spread upon the journal.

The undersigned beg leave to enter their protest against the passage of substitute for Senate File No. 141, "A bill for an act fixing the salaries of the judges of the District Court and of the Supreme Court," or so much thereof as relates to the salaries of supreme judges.

First. Because the increasing of their salaries to \$2,300 per annum, to take effect January 1st, 1866, is equivalent to giving extra compensation or compensation for which there is no provision made by pre-existing law for services already rendered, viz : from the 1st day of January to the present time, and would, in their opinion, require a vote of two-thirds of all the members elected to the House, which it did not receive.

Secondly, Because it ignores the law passed at the extra session of the Ninth General Assembly, September 11th, 1862, fixing their salaries, which has been in force nearly four years, and under which three of the present judges have been elected; and because it is in violation of that constitutional provision which requires that judges' compensation "shall not be increased or diminished during the term for which they shall have been elected."

Believing that such a law ought not to go upon our statutes, we hereby enter our earnest protest.

A. ABERNETHY,
G. C. FRY,
SAMUEL McNUTT.

REPORTS OF COMMITTEES.

Mr. Wilcox, from the Committee on Commerce, submitted the following report :

The Committee on Commerce, to whom was referred the accompanying 19 petitions numerously signed, praying for restrictions on the freights and fares of Railroads, and also that they be held to their liabilities as common carriers, and to whom was also referred House File No. 240, being "A bill for an act to define the duties of Railroads in the transportation of freight, have had the same under consideration, and have instructed me to report the same back to the House with the accompanying substitute, with a recommendation that it do pass.

P. C. WILCOX, Chairman.

Mr. Dwelle, from the Committee on Engrossed Bills submitted the following report :

MR. SPEAKER :—Your Committee on Engrossed Bills have examined the following House File, and report the same as correctly engrossed.

House File No. 250, A bill for an act to quiet the title to certain lands sold by the State to individuals as part of the Des Moines River Land Grant.

L. DWELLE, Chairman.

Mr. McNutt from the Committee on Printing, submitted the following report :

The Committee on Printing, to whom was referred Senate File No. 81, entitled a bill for an act to amend Sec. 2, of Chap. 115, of the Laws of the Tenth General Assembly, relative to printing the delinquent tax list, have had the same under consideration, and the majority of the Committee have instructed me to report the same back with the following amendment, to-wit: Strike out the words "six months" and insert "three months" in the first section. And that thus amended, the passage of the bill is recommended.

SAMUEL McNUTT, Chairman.

MESSAGES FROM THE SENATE.

Senate File No. 213, A bill for an act fixing the time of holding courts in the Eleventh Judicial District, was taken up, read a first and second time and referred to a Select Committee of delegates from the 11th Judicial District.

Mr. Fellows moved to take up substitute for House File No. 231, A bill for an act to authorize incorporated cities, towns and villages, to discontinue their incorporations.

The motion prevailed.

The bill was considered and the substitute adopted.

The bill was ordered to be read a third time.

Mr. Fellows moved that the rule be suspended and the bill read a third time now.

The motion prevailed, and the bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—89.

The nays were none.

Absent or not voting, Messrs. Ballinger, Barnes, Hale, Knox, McKean, Rogers, Van Leuven, West—8.

So the bill passed and the title was agreed to.

Mr. Glasgow moved to take up Senate File No. 130, "A bill for an act for the relief of Major D. J. Waggoner."

The motion prevailed.

The bill was ordered to be read a third time.

Mr. Wilcox asked leave of absence until 3 o'clock, P. M., which was granted.

SPECIAL ORDER.

The hour having arrived for the consideration of special order, House File No. 215, "A bill for an act providing for the completion of the Geological Survey of the State of Iowa," was taken up, considered, and substitute adopted.

Mr. Dudley moved to amend Sec. 4 by adding, after the word "shall," in tenth line, "provided the same shall be done without expense to the State."

Mr. McNutt moved to amend the amendment by adding, "and for such publication said papers shall be allowed, as compensation, one-third the legal rates, as are allowed for advertising."

The amendment to the amendment did not prevail.

The amendment was adopted.

Mr. McNutt moved to strike out "\$4.00," and insert "\$3.00," which motion did not prevail.

Mr. McNutt moved to strike out the publication clause, which motion did not prevail.

Mr. Thomson offered the following amendment:

"Provided, That if he shall make any statement believed by the inhabitants of any county to be untrue, and calculated to injure the reputation of the fertility of the soil of any county, he shall be liable, upon conviction, to a penalty of any sum not to exceed one thousand dollars, or imprisonment not to exceed one year, or to both fine and imprisonment, at the discretion of the Court."

The amendment did not prevail.

Mr. Fry moved that the bill be engrossed and read a third time, and demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barker, Bahl, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Fellows, Finkbine, Flanders, Gaylord, Garrett, Glasgow, Godfrey, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McCullough, McLaughlin, Mills, O'Brien, Poindexter, Runyan, Ryan, Sapp, Sherman, Sipple, Tracy, Thacher, Tisdale, Walden, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—61.

The nays were Messrs. Belt, Bereman, Bennett, Boomer, Brown of Winnesheik, Close, Emery, Fry, Gamble, Gary, Garber, Goodrich, Knapp, Knox, Landes, McNutt, Morgan, Olmstead, Palmer, Rohlf, Russell, Safely, Serrin, Travis, Thomson, Thorn, Williams of Winnesheik—27.

Absent or not voting, Messrs. Ballinger, Barnes, Hale, McPherson, McKean, Rogers, Van Leuven, West, and Wilcox—9.

So the motion prevailed.

Mr. Tracy moved that the rule be suspended and the bill read a third time now, which motion prevailed and the bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barker, Bahl, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Clark, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Fellows, Finkbine, Flanders, Gaylord, Garrett, Glasgow, Godfrey, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McLaughlin, Mills, O'Brien, Poindexter, Runyan, Ryan, Sapp, Sherman, Sipple, Tracy, Thacher, Tisdale, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—37.

The nays were Messrs. Belt, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Winnesheik, Carbee, Close, Emery, Fry, Gamble, Gary, Garber, Goodrich, Knapp, Knox, Landes, McNutt,

McCullough, Morgan, Olmstead, Palmer, Rohlf, Russell, Safely, Serrin, Travis, Thomson, Thorn, Walden, Williams of Winnebago—31.

Absent or not voting, Messrs. Ballinger, Barnes, Hale, McPherson, McKean, Rogers, Van Leuven, West, Wilson—9.

So the bill passed and the title was agreed to.

Mr. Ryan from Committee on Enrolled Bills submitted the following report:

Your Committee on Enrolled Bills have examined House File No. 244, An act to repeal Sections 1715, 1716 and 1739 of the Revision of 1860, and Section 6 of Chapter 121 of the acts of the Tenth General Assembly, in relation to the Boards of Trustees of the Agricultural College and Farm, also Senate Substitute for House File No. 126, An act to repeal Chapter 38 of the acts of the extra session of the Ninth General Assembly, being an act entitled an act to create the office of Assistant Adjutant General and defining his duties, and to amend Section 14 of Chapter 84 of the acts of the Tenth General Assembly, being an act entitled an act to organize the militia. Also House File No. 204, An act to legalize the city election of the city of Knoxville, and the reorganization of the city government and the official acts of the City Council of said city. Also House File No. 80, An act to repeal Chapter 41 of the acts of the Fifth General Assembly, entitled an act to encourage agriculture and mechanic arts in Johnson county, approved July 20, 1865. Also Substitute for House File No. 71, an act regulating appeals to the Supreme Court in certain cases. Also House File No. 124, An act to provide for the education and support of the blind, all of which are correctly enrolled and I herewith present the same for your signature.

Your Committee have also presented House File No. 130 to the Governor for his signature.

D. RYAN,

Mem. Com. on Enrolled Bills.

Mr. Wilson of Dubuque moved that the House do now adjourn, which motion prevailed, and the House adjourned.

2 O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Holden moved that when the House adjourn it be until 7 o'clock A. M.

Mr. Gamble moved a call of the House.

The motion prevailed and the roll was called.

Pending the call, Mr. Sapp moved that further proceedings under the call be dispensed with.

The motion prevailed.

Mr. O'Brien moved that the matter be laid on the table.

The motion prevailed.

The House resumed the consideration of House File No. 258, the pending question upon which was the amendment of Mr. Thomson.

Mr. Clark offered the following amendment to the amendment which was accepted :

Provided, that the land so taken otherwise than by the consent of the owner, shall not exceed one-half acre, nor shall the same be taken from the homestead of any such owner.

The amendment was lost.

Mr. Bereman moved to amend by adding the following :

SECTION 16. Section 29, of Chapter 172, of the acts of the Ninth General Assembly is hereby amended by adding thereto the following, viz: "*Provided further*, That in cases where by reason of streams or other natural obstacles, any portion of the inhabitants of any school district township, cannot in the opinion of the County Superintendent with reasonable facility, enjoy the advantages of any school in their township, the said County Superintendent, with the consent of the Board of Directors of such District Township as may be affected thereby, may attach such part of said township to any adjoining township and erect a new sub-district with part of the said adjoining township, and the order erecting the same shall be transmitted to the Township District Clerk in each district, and be by him recorded in his records of Sub-Districts, and the proper entry thereof made on his plat of Sub-Districts, and such order shall designate the Township District to which the new Sub-District shall be attached; and all Sub-Districts heretofore formed, conforming substantially to the principles above expressed are hereby declared to be legal and as valid as if formed under this provision.

The motion to amend did not prevail.

Mr. Tracy moved to amend by striking out all after the enacting clause and substitute the following :

SECTION 1. Section 12, of Chapter 172, is hereby amended so as to read after the word years, in the third line of said section, "and any person who was in the military service of the United States during his minority shall be admitted into the schools in the Sub-District in which he resides, on the same terms on which youths between the ages of five and twenty-one are admitted.

SEC. 2. Section 73, of Chapter 172, is hereby amended so that it shall read as follows: For the time necessarily spent in the discharge of his official duties, he shall receive the sum of three dollars per day, to be paid from the County Revenue; *Provided*, That he shall visit each school in his county, at least once in each term, and shall spend at least one half day in each visit, and he shall be entitled to such additional compensation as the Board of Supervisors of his county may allow; *Provided further*, That he

shall file a sworn statement of the time he has been employed in his official duties with the Clerk of the Board of Supervisors before he shall be entitled to any compensation.

SEC. 3. Section 22, of Chapter 172, is hereby amended by adding thereto the following, to-wit.: "They may also provide for furnishing the necessary text books to such pupils in the schools as may be unable to provide themselves with the same, and for the payment of the expense thereof out of the contingent fund.

Mr. Bolter moved the previous question which was seconded:

The question "shall the main question be now put?" was decided in the affirmative.

Upon the adoption of the substitute, Mr. Tracy demanded the yeas and nays, which were ordered, and were as follows:

The yeas were Messrs. Abbott, Ballinger, Bahl, Belt, Bennett, Brown of Decatur, Brown of Louisa, Brown of Madison Brown of Van Buren, Brown of Winneshiek, Buck, Carbee, Comfort, Dashiell, Dwelle, Fry, Gamble, Gary, Griffith, Hand, Holmes, Holden, Knapp, Landes, Martin, McNutt, McCullough, McLaughlin, O'Brien, Olmstead, Russell, Safely, Serrin, Tracy, Thacher, Thomson, Thorn, Walden, Wilcox—39.

The nays were Messrs. Abernethy, Alcorn, Barker, Bereman, Boomer, Bolter, Burnett, Clark, Close, Conway, Crawford, Darwin, DeForest, Dudley Emery, Fellows, Finkbine, Flanders, Gaylord, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Joy, Knox, Leffingwell, Linderman, Mills, Morgan, Palmer, Poindexter, Rohlf, Runyan, Ryan, Sherman, Sipple, Travis, Tisdale, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—47.

Absent or not voting, Messrs. Barnes, Hale, Huggins, Lowdon, Maxwell, McPherson, McKean, Rogers, Sapp, Van Leuven and West.

So the substitute was lost.

The bill was ordered to be engrossed and read a third time.

Mr. Tisdale, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined Senate Files Nos. 37, 203, and 205, and substitute for Senate file 109, which have been examined and found correctly enrolled by Senate Committee, and I present them for your signature.

G. J. TISDALE, Chairman.

PETITIONS.

Mr. Maxwell presented two petitions from citizens of Story County, praying the Legislature to pass an act for the maintenance

of the Iowa Soldiers' Orphans' Home, which was referred to Committee on Orphans' Home.

Mr. Maxwell also presented a petition from numerous citizens of Story County, praying that the County Supervisors be made to some extent the guardians of Iowa Soldiers' Orphans' remaining in the counties, which was referred to the same Committee.

Mr. J. F. Landes presented two petitions from Philip Likes and numerous other citizens of Clark County, praying the Legislature to pass an act providing for the maintenance of the Iowa Soldiers' Orphans' Home, which was also referred to the Committee on Orphans' Home.

Mr. Carbee presented a petition from J. Crawford and numerous other citizens of Linn county, remonstrating against the repeal of the prohibitory liquor law.

Referred to the Committee on Suppression of Intemperance.

Mr. Burnett presented four petitions from Mrs. M. S. Robbins, Hon. N. G. Woodward, J. Simple, A. Musser, and numerous other citizens of Muscatine county, praying the present Legislature to provide for the maintenance of the Iowa Soldiers' Orphans' Home, which was referred to the Committee on Orphans' Home.

Mr. Boomer also presented a petition from C. N. Parkhuer and several other citizens of Delaware county, praying for the maintenance by legislative action of the Iowa Soldiers' Orphan's Home, which was referred to the same Committee.

Mr. Palmer presented a petition from numerous citizens of Clinton, Cedar, Scott, Jackson, and Iowa counties, members of the Union Agricultural Society, praying for an act to enable them to purchase 40 acres of school lands in Clinton county.

Referred to the Committee on Agriculture.

Mr. Conway presented a petition from forty-nine voters of Lucas county, asking legislative action for the maintenance of the Iowa Soldiers' Orphans' Home.

Referred to the Committee on Orphans' Home.

Mr. Thomson presented a petition from James T. Lane and sundry citizens of Scott county, asking legislative aid and protection to the Iowa Soldiers' Orphans' Home.

Referred to the Committee on Orphans' Home.

Mr. Carbee presented several petitions of a similar character from sundry citizens of Linn county, which were referred to the Committee on Orphans' Home.

Mr. Brown of Van Buren, presented a petition from L. M. Thornbury and sundry citizens of Van Buren county, praying that the General Assembly provide maintenance for the Soldiers' Orphans' Home.

Referred to the Committee on Orphans' Home.

Mr. McNutt moved that the House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
 DES MOINES, March 22, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Geiger.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills, in which the concurrence of the House is asked:

House File No. 177, "A bill for an act to legalize the acts of the Board of Supervisors of Washington county, Iowa," with the following amendment, viz: Add to Sec. 2 the words "without expense to the State."

Also, that the Senate has concurred in the House amendments to the following bills, viz:

Senate File No. 85, "A bill for an act concerning acknowledgments of deeds in foreign countries, and to repeal Sec. 2244 of the Revision of 1860."

Senate File No. 101, "A bill for an act legalizing conveyance of real estate to the St. Charles Cemetery Association."

Substitute for Senate File No. 72, "A bill for an act to provide Justices of the Peace with a copy of the Revision of 1860."

I also return herewith House Substitute for Senate File No. 141, "A bill for an act fixing the salaries of the District and Supreme Judges," it having passed the Senate without amendment.

JAMES M. WEART, Ass't Secretary.

REPORTS OF COMMITTEES.

Mr. Thomson, from the Committee on Agriculture, submitted the following report:

MR. SPEAKER:—Your Committee on Agriculture, to whom was referred the petition of M. L. Rogers and others, "asking power to purchase certain school land," have had the same under consideration, and in response to the said petition, have instructed me to report the accompanying bill, with a recommendation that it do pass.

H. M. THOMSON, Chairman.

House File No. 313, "A bill for an act to enable the Union Agricultural Society to purchase certain school lands," was read a first and second time.

The bill was ordered to be read a third time.

Mr. Thorn moved that the rule be suspended and the bill be read a third time now, which motion prevailed.

The bill was read a third time, and upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Ballinger, Bahl, Berman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, Deforest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McNutt, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—86.

The nays were none.

Absent or not voting, Messrs. Alcorn, Barnes, Barker, Belt, Hale, Leffingwell, McPherson, McCullough, McKean, Rogers, West—11.

So the bill passed, and the title was agreed to.

MR. SPEAKER:—Your Committee on Agriculture, to whom was referred House File No. 239, "A bill for an act allowing sheep to run at large," have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that it do not pass.

H. M. THOMSON, Chairman.

Mr. Darwin, from the Committee on Judiciary, submitted the following reports:

MR. SPEAKER:—The Judiciary, to whom was referred House File 285, "A bill for an act to extend the jurisdiction of county courts in civil cases," have considered the same and recommend as follows:

That section first be amended by striking out "exclusive" in sixth line, and inserting "concurrent" instead. Also strike out "is now" from seventh line.

Amend section two as follows: 1. Strike out "now" in the first line. 2. Strike out "justice's," and insert instead "District."

Amend section three as follows: Add to said section the following: "And said court shall hold a term commencing on the second Monday of each month, to which term shall be brought or appealed all the cases brought or appealed thereto during the preceding month, and they shall be docketed and disposed of in their order of precedence."

Amend section four by substituting therefor the following: "Appeals from county courts in matters regarding this new jurisdiction may be taken to the district or the supreme court, at the option of

the appellant; and such appeals may be, for the same causes, upon the same conditions, and in the same time and manner, as provided by law for appeals from justices of the peace to district court, or from the district court to the supreme court respectively."

Amend section five as follows: 1. Strike out "parties," second line, and insert "plaintiffs or defendants." 2. After "persons," in second line, add "or such smaller number as may be agreed upon by the parties." 3. Strike out from fourth line "is now." 4. Add thereto "And in all cases of trial by jury either party may request instructions to the jury on points of law which shall be given or refused by the court, and the mode of instructing the jury shall be the same as provided by law for similar cases in the district court."

Amend section six by substituting therefor the following: "In cases where real estate is concerned, the principles of sections 3877, 3878, and 3879, of the revision of 1860, shall obtain."

Amend section seven by inserting after "clerk," in first line, "or shall appoint one, if authorized to do so by the board of supervisors."

Amend section eight by substituting therefor, "A judgment may be made a lien just as a justice's judgment is made a lien."

Amend section nine by adding after "court," in the second line, "but he shall receive no per diem for attendance upon such court."

Amend section ten by adding after "jurors," in the second line, "and the jurisdiction of said court shall be geographically co-extensive with their respective counties."

When so amended we recommend that it pass.

We herewith return petition on this subject.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 149, A bill for an act to amend Section 1102, of the Revision of 1860, have considered the same and recommend that it be indefinitely postponed.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 234, A bill for an act to amend Chapter 100, of the Revision of 1860, in relation to the descent and distribution of the estates of persons dying intestate, have considered the same and recommend that it do pass.

DARWIN, Chairman.

The Judiciary instructed me to report the accompanying bill, being a bill for an act to legalize the official acts of Roger N. Cresap, a Notary Public of Van Buren county, Iowa.

DARWIN, Chairman.

House File No. 314, was read a first and second time and ordered to be read a third time.

Mr. Darwin moved that the rule be suspended and the bill be read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Ballinger, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Fellows, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, Mills, Morgan, O'Brien, Olmstead, Palmer, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—82.

The nays were Messrs. Emery, McCullough McLaughlin—3.

Absent or not voting, Messrs. Alcorn, Barnes, Belt, Finkbine, Flanders, Hale, McPherson, McKean, Poindexter, Rogers, West, Wilson of Dubuque—12.

So the bill passed and the title was agreed to.

MR. SPEAKER:—The Judiciary instruct me to report for the consideration of the House, the bill herewith, a bill for an act defining the proper custodian of the election book, poll books and other papers appertaining thereto.

DARWIN, Chairman.

House File No. 315, was read a first and second time, and passed on File.

MR. SPEAKER:—The Judiciary to whom was referred House File No. 174, A bill for an act for the protection of sureties, has considered the same and recommend its indefinite postponement.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 293, A bill for an act to provide for execution against deceased indigent debtors real estate, have considered the same and recommend that it be indefinitely postponed.

DARWIN, Chairman.

The Judiciary, to whom was referred House File No. 294, A bill for an act relative to the foreclosure of mortgages, have considered the same and recommend that it be indefinitely postponed.

DARWIN, Chairman.

The Judiciary, to whom was referred Senate File No. 76, A bill for an act to repeal part of Section 262 of Chapter 22 of Revision of 1860, relating to the time of holding county courts, report the same back without recommendation, on the ground that a similar bill has passed the House and is now in the Senate.

DARWIN, Chairman.

The Judiciary, to whom was referred House File No. 92, A bill for an act to amend Section 4347 of the Revision of 1860, have considered the same and recommend that it do not pass.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 82, A bill for an act to regulate the giving of instructions to the jury in the district courts have considered the same and recommend that it be indefinitely postponed.

DARWIN, Chairman.

The Judiciary, to whom was referred Senate File No. 134, A bill for an act to amend Section 6 of Chapter 129 of the Acts of the 10th General Assembly, report the same back and recommend that it go to a committee of the members from Lee county.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 201, "A bill for an act authorizing incorporated cities to regulate the traffic on malt and spirituous liquors, and for other purposes," report that they have considered the same, and recommend that it be indefinitely postponed.

DARWIN, Chairman.

Mr. Wilcox, from the Committee on Commerce, submitted the following report:

The Committee on Commerce, to whom was referred the accompanying petition, asking the Legislature to resume lands granted to aid in the Construction of Railroads, and to protect the rights of settlers on such lands, have had the same under consideration, and have instructed me to report the same back and recommend that it be referred to the Committee on Railroads, as they have the matters prayed for in the petition under consideration.

P. C. WILCOX, Chairman.

The report was concurred in, and the petition so referred.

Mr. Sherman from the Committee on Railroads submitted the following reports:

The Committee on Railroads, to whom was referred House File No. 269, "A bill for an act to resume all lands conferred upon Land Grant Roads, and to reconvey the same upon new conditions," have considered the same, and instructed me to return the bill to the House, with the recommendation that it be indefinitely postponed.

SHERMAN, Chairman.

The Committee on Railroads have had under consideration House File No. 98, A bill for an act to amend Section 2, Chapter 37 of the acts of the Eighth General Assembly, and have instructed me to report the same back and recommend its indefinite postponement.

SHERMAN, Chairman.

Mr. Brown of Winneshiek from the Committee on new Counties submitted the following report:

Your Committee on new Counties to whom was referred a Resolution and Bill accompanying the same, proposing to amend the Constitution of the State of Iowa, have had the same under con-

sideration and have instructed me to report the same back to the House and recommend their passage.

BROWN, Chairman.

House File No. 316, A bill for an act to provide for due reference and publication of a proposal to amend the Constitution of the State of Iowa, was read a first and second time and passed on File.

Mr. Hand moved that the bill be considered now, which motion did not prevail.

Mr. Maxwell, from the Committee on Roads and Highways, submitted the following reports:

The Committee on Roads and Highways, to whom was referred House Resolution and petition in relation to conferring the powers of the board of supervisors in relation to roads upon the township trustees, have had the same under consideration, and have instructed me to report the same back, with the recommendation that the same be indefinitely postponed. All of which is respectfully submitted.

GEO. M. MAXWELL, Chairman.

The Committee on Roads and Highways, to whom was referred remonstrance of citizens of Davenport, remonstrating against raising the taxes for bridge purposes, have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that no further action be taken in relation to the matter. All of which is respectfully submitted.

GEO. M. MAXWELL, Chairman.

The Committee on Roads and Highways, to whom was referred House File No. 87, have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that the same be indefinitely postponed.

All of which is respectfully submitted.

GEO. M. MAXWELL, Chairman.

Mr. Wilson, of Marshall, from the select committee consisting of the Representatives from the 11th Judicial District, submitted the following report:

The select committee to whom was referred Senate File No. 213, have had the same under consideration, and report back the same to the House with the following amendments, and recommend the passage of the same: Strike out "At Eldora, in Hardin county," in the 17th line of Sec. 1, and insert "In Wright county." Strike out "In Wright county," in the 22d line of Sec. 1, and insert "In Hardin county."

T. J. WILSON, Chairman.

Mr. Wilson of Marshall, moved that the rule be suspended and the bill be read a third time now, which motion prevailed.

The bill was read a third time, and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Bahl, Bereman,

Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—83.

Absent or not voting, Messrs. Alcorn, Ballinger, Barnes, Barker, Belt, Bennett, Flanders, Gamble, Hale, McPherson, McKean, Poindexter, Rogers, West—14.

So the bill passed and the title was agreed to.

Mr. Thacher, from Special Committee, submitted the following report:

The Special Committee, to whom was referred House File No. 301, and a substitute therefor, have had the same under consideration and instructed me to report the same back to this House, and recommend that neither of them do pass.

Mr. Abernethy moved that House File No. 213, A bill for an act to ascertain the citizens entitled to the right of suffrage, be made a special order for Monday, 10 A. M., March 26th, which motion prevailed.

Mr. Close offered a preamble and joint resolution praying for a change in the United States pension laws, which was read and referred to the Committee on Military Affairs.

Mr. Holden moved that House File No. 220, A bill for an act to amend sections 321 and 1389, Revision of 1860, be taken up and considered, which motion prevailed.

Mr. O'Brien moved that the bill be laid on the table, which motion prevailed.

SENATE MESSAGES.

Senate File No. 112, A bill for an act relating to accounts in the office of Auditor of State and Treasurer of State, was taken up read a first and second time, and ordered to be read a third time.

House File, No. 177, A bill for an act to legalize the acts of the Board of Supervisors of Washington County, with Senate amendments, was taken up. Upon the question of concurring in the Senate amendments,

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barker, Bahl, Belt, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winne-

shiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—85.

Absent or not voting, Messrs. Ballinger, Barnes, Bennett, Gamble, Godfrey, Hale, Martin, McPherson, McKean, Rogers, Sherman, West—12.

So the amendments were concurred in.

Mr. Runyan moved that Senate File No. 42, A bill for an act for the transfer of real estate to regulate the assessment thereof, and facilitate the collection of Revenue be taken up and considered, which motion prevailed.

The bill was ordered to be read a third time.

Mr. Glasgow moved that the rule be suspended, the bill be read a third time now.

The motion prevailed and the bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Belt, Bereman, Boomer, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Thomson, Van Leuven, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—81.

In the negative, Mr. Flanders.

Absent or not voting, Messrs. Barnes, Burnett, Bolter, Brown of Madison, Clark, Hale, Huggins, Martin, McPherson, McCullough, McKean, Rogers, Tisdale, Thorn, West—15.

So the bill passed and the title was agreed to.

Mr. Tisdale from the Committee on Enrolled Bills submitted the following report:

MR. SPEAKER:—House File Nos. 80, 124, 144, 204, Substitute for House File No. 71, and Senate substitute for House File No.

126, have been duly signed by the Speaker of this House, and the President of the Senate, and presented this day to the Governor for his signature.

Your Committee on Enrolled Bills have Senate File No. 122, and substitute for Senate File No. 7, which have been examined and found correctly enrolled by Senate Committee, and I present them for your signature.

G. J. TISDALE, Chairman.

Mr. Finkbine moved that Senate File No. 3, A bill for an act granting to the Iowa State University, certain property in Iowa City, be taken up and considered, which motion prevailed.

Mr. McNutt moved to amend by adding: "*Provided*, That the State of Iowa shall not be rendered liable to any party or parties for any claims whatsoever," which motion prevailed.

The bill was ordered to be read a third time.

Mr. Finkbine moved that the rule be suspended and the bill read a third time now, which motion prevailed and the bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hand, Holmes, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlfis, Runyan, Russell, Sapp, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—78.

The nays were Messrs. Bolter, Brown of Decatur, Flanders, Wright—4.

Absent or not voting, Messrs. Barnes, Gaylord, Godfrey, Hale, Holden, Huggins, Martin, McPherson, McCullough, McKean, Rogers, Ryan, Sherman, West, Wilson of Dubuque—15.

So the bill passed and the title was agreed to.

Mr. Barker moved to take up House File No. 228, A bill for an act to amend chapter 100, of the Revision of 1860, which motion prevailed.

The bill was taken up and considered, and the amendment recommended by the Committee, was concurred in.

The bill was ordered to be engrossed and read a third time.

Mr. Williams of Des Moines, moved to take up Senate File No. 98, A bill for an act to authorize the County Judge of Des Moines County, to record proceedings, had before his predecessor in office, which motion prevailed.

The bill was taken up and considered, and the amendments proposed by the Committee, were concurred in.

The bill was ordered to be read a third time.

Mr. Darwin moved that the rule be suspended, and the bill be read a third time now, which motion prevailed.

The bill was read a third time, and upon the question "shall the bill pass," the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Barker, Bahl, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, London, Maxwell, McNutt, McCallough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—84.

The nays were none.

Absent or not voting, Messrs. Abernethy, Ballinger, Barnes, Belt, Bennett, Hale, Martin, McPherson, McKean, Rogers, Sherman, West and Wright—13.

So the bill passed and the title was agreed to.

Mr. Joy moved to take up House File No. 170, A bill for an act to accept of the grant, and carry into execution the trust conferred upon the State of Iowa, which motion prevailed.

The bill was considered, and the amendments from the Committee concurred in.

Ordered that the bill be engrossed and read a third time.

Mr. Landes moved that the House do now adjourn, which motion prevailed, and the House adjourned.

2 O'CLOCK P. M.

' The House met pursuant to adjournment.

BILLS ON SECOND READING.

House File No. 259, "A bill for an act to provide for the collection and settlement of the notes and mortgages taken by James D. Eads, for money loaned by him out of the permanent school fund," was considered, and ordered to be engrossed and read a third time.

Mr. Wilson, of Dubuque, moved that House File No. 295, "A bill for an act to provide for an additional argument term of the

Supreme Court," be taken up and considered, which motion prevailed.

Mr. Goodrich moved to strike out "Dubuque," and insert "Waterloo, Black Hawk county," which motion did not prevail.

The substitute recommended by the committee was adopted, and the bill ordered to be read a third time.

Mr. Sapp moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Fellows, Finkbine, Flanders, Gamble, Gaylord, Garber, Glasgow, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Maxwell, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thatcher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—78.

The nays were Messrs. Dudley, Fry, Gary, Godfrey, McNutt, and Williams of Winnesheik—6.

Absent or not voting, Messrs. Ballinger, Barnes, Belt, Brown of Louisa, Garrett, Hale, Huggins, Leffingwell, McPherson, McCoullough, McKean, Rogers, and West—13.

So the bill passed, and the title was agreed to.

Mr. Bolter moved to take up House File No. 272, "A bill for an act to legalize the acts of the Board of Supervisors of Harrison county, in conveying certain swamp lands to soldiers as bounty," which motion prevailed.

The bill was considered, and ordered to be engrossed and read a third time.

Mr. Bolter moved that the rule be suspended and the bill be read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barker, Bahl, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, DeForest, Dwelle, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman,

Lowdon, Maxwell, McNutt, McLaughlin, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Van Leuven, Walden, Wilcox, Wright; Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—76.

The nays were Messrs. Bereman, Dashiell, Dudley, Emery, Mills, Thorn—6.

Absent or not voting, Messrs. Abernethy, Ballinger, Barnes, Belt, Buck, Brown of Louisa, Hale, Huggins, Leffingwell, Martin, McPherson, McCullough, McKean, Rogers, West, Wilson of Dubuque.

So the bill passed, and the title was agreed to.

By leave, Mr. Ryan offered a joint resolution asking the muster-out of service the 8th Regiment Iowa Volunteers Infantry, which was adopted.

House File No. 260, A bill for an act to amend chapter 32 of the acts passed at the regular session of the Ninth General Assembly was considered and ordered to be engrossed and read a third time.

House File No. 261, A bill for an act to authorize Boards of School Directors to subscribe for an Educational Journal, was considered.

Mr. Close moved to amend by striking out first and second sections except the enacting clause.

Mr. Godfrey moved that the bill be laid on the table.

Mr. Tisdale demanded the yeas and nays which were as follows:

The yeas were Messrs. Abbott, Alcorn, Barker, Beremen, Brown of Van Buren, Brown of Winneshiek, Buck, Carbee, Close, Comfort, Crawford, DeForest, Dudley, Dwelle, Emery, Fry, Gamble, Gary, Godfrey, Goodrich, Griffith, Hand, Holmes, Holden, Knapp, Knox, Landes, Maxwell, McNutt, Morgan, Poindexter, Russell, Ryan, Safely, Sherman, Sipple, Tracy, Thomson, Van Leuven, Walden, Wilcox, Wright, Williams of Winneshiek—43.

The nays were Messrs. Abernethy, Ballinger, Bahl, Bennett, Boomer, Bolter, Brown of Madison, Burnett, Clark, Darwin, Dashiell, Fellows, Flanders, Gaylord, Garrett, Garber, Glasgow, Graves, Joy, Linderman, Lowdon, Martin, McLaughlin, Mills, O'Brien, Olmstead, Palmer, Rohlf, Runyan, Sapp, Serrin, Travis, Tisdale, Wilson of Dubuque, Williams of Des Moines, Wilson, of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—37.

Absent or not voting, were Messrs. Barnes, Belt, Brown of Decatur, Brown of Louisa, Conway, Finkbine, Hale, Huggins, Leffingwell, Martin, McPherson, McCullough, McKean, Rogers, Thacher, Thorn, and West—17.

The motion to lay on the table prevailed.

BILLS ON THIRD READING.

House File No. 2, A bill for an act disfranchising certain persons who evaded military service, was taken up.

Mr. Barker moved that the bill be recommitted to the Committee on Constitutional Amendments, with instructions to amend the bill so as to make it prospective and not retroactive.

Mr. Wilson of Jackson moved the previous question, which was seconded. Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Belt, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Rohlf, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek, Mr. Speaker—65.

The nays were Messrs. Alcorn, Ballinger, Barker, Bereman, Brown of Decatur, Buck, Emery, Fellows, Gamble, Lowdon, Martin, O'Brien, Sipple, Van Leuven, Wright, Wilson of Dubuque, Wilson of Marshall—22.

Absent or not voting, Messrs. Barnes, Bolter, Brown of Louisa, Finkbine, Huggins, McPherson, McKean, Rogers, Runyan, West, Wilcox—10.

So the bill passed, and the title was agreed to.

House File No. 250, A bill for an act to quiet titles to certain lands sold by the State to individuals as part of the Des Moines River Land Grant, was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Belt, Bennett, Boomer, Bolter, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—82.

In the negative, Mr. Wilson of Dubuque—1.

Absent or not voting, Messrs. Barnes, Bereman, Brown of Decatur, Brown of Louisa, Conway, Gamble, Hale, Huggins, Leffingwell, McPherson, McKean, Rogers, Tracy, and West—14.

So the bill passed and the title was agreed to.

Senate File No. 130, A bill for an act for the relief of Major J. D. Waggoner, was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Belt, Bereman, Boomer, Bolter, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Burnett, Carbee, Clark, Close, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Linderman, Martin, Maxwell, McLaughlin, Mills, Morgan, Olmstead, Palmer, Poindexter, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, Van Leuven, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—69.

The nays were Bahl, Bennett, Buck, Dudley, Garber, Lowdon, O'Brien, Rohlf's, Serrin, Sipple, Travis, Walden—12.

Absent or not voting, Messrs. Barnes, Barker, Brown of Decatur, Brown of Louisa, Conway, Hale, Huggins, Landés, Leffingwell, McPherson, McNutt, McCullough, McKean, Rogers, West, Wilson of Dubuque—16.

So the bill passed and the title was agreed to.

The House resumed consideration of bills on second reading.

Senate File No. 125, A bill for an act to amend Chapter 91 of the Laws of the Tenth General Assembly, was taken up, considered, and ordered to be read a third time.

Mr. Finkbine moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf's, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—81.

In the negative, Mr. Bereman—1.

Absent or not voting, Messrs. Barnes, Brown of Louisa, Brown

of Madison, Clark, Conway, Gaylord, Hale, Huggins, Landes, Leffingwell, Martin, McPherson, McKean, Rogers, West—15.

So the bill passed and the title was agreed to.

House File No. 274, A bill for an act to provide for the election of police justices in cities of the second class, was considered, and ordered to be engrossed and read a third time.

Mr. Burnett moved that the rule be suspended, and the bill read a third time now, which motion prevailed. The bill was read a third time. Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barker, Bahl, Belt, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Flanders, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Griffith, Hand, Holden, Joy, Knox, Maxwell, McNutt, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—65.

The nays were Messrs. Belt, Bereman, Bennett, Dwelle, Emery, Fellows, Finkbine, Fry, Gaylord, Graves, Holmes, Knapp, Linderman, Lowdon, Martin, McLaughlin, Sipple, Van Leuven, Wilson of Jackson—18.

Absent or not voting, Messrs. Ballinger, Barnes, Brown of Louisa, Brown of Madison, Hall, Huggins, Landes, Leffingwell, McPherson, McCullough, McKean, Rogers, West, Wilcox—14.

So the bill passed and the title was agreed to.

House File No. 252, "A bill for an act fixing the time of holding Courts in the Twelfth Judicial District," was considered, and ordered to be engrossed and read a third time.

Mr. Poindexter moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Ballinger, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden,

Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—81.

The nays were none.

Absent or not voting, Messrs. Abernethy, Barnes, Brown of Louisa, Gaylord, Hale, Huggins, Leffingwell, Martin, McPherson, McKean, O'Brien, Rogers, Sapp, Sherman, Sipple, West—16.

So the bill passed, and the title was agreed to.

House File No. 205, A bill for an act to secure the back pay of the First Iowa Cavalry, was considered and ordered to be engrossed and read a third time.

Mr. Glasgow moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time now.

Upon the question shall the bill pass, the yeas and nays were as follows :

The yeas were Messrs. Abbott, Alcorn, Barker, Belt, Bennett, Boomer, Bolter, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Crawford, Darwin, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Linderman, Lowdon, Martin, Maxwell, McNutt, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Sately, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Van Leuven, Walden, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—75.

The nays were Messrs. Ballinger, Bahl, Conway—3.

Absent or not voting, Messrs. Abernethy, Barnes, Bereman, Brown of Decatur, Brown of Louisa, Clark, Conway, Dashiell, Hale, Huggins, Landes, Leffingwell, McPherson, McCullough, McKean, Rogers, Sipple, Thorn, West, and Wilson of Dubuque—20.

So the bill passed and the title was agreed to.

Mr. Tisdale from the Committee on Enrolled bills submitted the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills have examined Senate File Nos. 85, 101, 213, and substitute for Senate File No. 75, which the Senate Committee has examined and found the same correctly enrolled, and I present them for your signature.

G. J. TISDALE, Chairman.

PETITIONS.

Mr. Sherman presented a petition from numerous citizens of

Polk county, protesting against legislation of certain county warrants drawn on the Treasurer of said county.

Referred to the Committee on Judiciary.

Mr. Brown of Winnesheik, presented four petitions from E. E. Cooley, T. J. Filbert, John W. Sleepin, S. W. Mattison, and numerous other citizens of said county, praying legislative action for the maintenance of the Iowa Soldiers' Orphans' Home.

Referred to Orphans' Home Committee.

Mr. Lowdon presented two petitions from Francis Dow, and numerous other citizens of Lee county, praying for the maintenance of the Iowa Soldiers' Orphans' Home.

Referred to Committee on Orphans' Home.

Mr. Flanders presented a petition numerously signed by the citizens of Des Moines county, praying for the support of the Soldiers' Orphans' Home.

Referred to Committee on Orphans' Home.

Mr. Palmer also presented a petition from Frank Sutton, and many other citizens of Clinton county, praying for legislative support of the Iowa Soldiers' Orphan Home.

Referred to the same Committee.

Mr. Close presented a remonstrance numerously signed by citizens of Black Hawk county, against any change in the liquor law except wine and cider.

Referred to the Committee on Suppression of Intemperance.

Mr. Graves presented a petition from citizens of Emmett county, praying the legislature to repeal Section 1 and 2, Chapter 143, of the laws of the Seventh General Assembly.

Referred to the Committee on Suppression of Intemperance.

Mr. Godfrey presented sundry remonstrances from citizens of Polk county against any action of the Legislature legalizing certain warrants drawn upon the Treasury of said county, and declared illegal by decision of the Supreme Court.

Referred to the Judiciary Committee.

Mr. O'Brien moved that the House do now adjourn, which motion prevailed and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, March 23, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Manley.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked :

Senate File No. 143, A bill for an act to re-invest county courts with power to establish roads.

Also, that the Senate has concurred in the House amendments to Senate File No. 213, A bill for an act fixing the times of holding courts in the Eleventh Judicial District.

Also a House substitute for Senate memorial to Congress for a grant of land to aid in the construction of the St. Louis and Cedar Rapids Railway.

I return herewith, House File No. 313, A bill for an act to enable the Union Agricultural Society to purchase certain school lands, it having passed the Senate without amendment.

JAMES M. WEART,

Assistant Secretary.

REPORTS OF COMMITTEES.

Mr. Dwelle from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER :—Your Committee on Engrossed Bills, have examined the following House Files, and report the same as correctly engrossed :

House File No. 170, A bill for an act to accept of the grant and carry into execution the trust conferred upon the State of Iowa by an act of Congress entitled an act for a grant of land to the State of Iowa in alternate sections, to aid in the construction of a railroad in said State.

House File No. 258, A bill for an act to amend Chapter 172 of the Acts of the Ninth General Assembly, relating to schools.

House File No. 260, A bill for an act to amend Chapter 32 of the Acts passed at the regular session of the Ninth General Assembly, and Chapter 156 of the acts of said session amendatory thereof.

L. DWELLE, Chairman.

Mr. Sherman, from the Committee on Railroads, submitted the following reports :

The Committee on Railroads, to whom was referred Senate File No. 123, "A bill for an act to amend chapter 44 of the acts of the Tenth General Assembly," have had the same under consideration, and have instructed me to report the same back and recommend its passage.

SHERMAN, Chairman.

I am instructed by a majority of the Committee on Railroads to report herewith "A bill for an act to extend the time for the com-

pletion of the Des Moines Valley (late Keokuk, Fort Des Moines & Minnesota) Railroad," and to recommend that it be passed.

SHERMAN, Chairman.

The bill—House File No. 817, was read first and second time, and passed on file.

Mr. Close, from the Committee on Public Buildings, submitted the following report and resolution :

MR. SPEAKER:—Your Committee on Public Buildings have examined the Capitol building, store-house, and property in connection therewith, and find as follows: The roof of the Capitol building is in very bad condition, and that a new roof is necessary. The lot upon which the Capitol is built should be fenced, and otherwise improved by planting trees and shrubbery. The store-house is filled to overflowing. There is a large number of old House and Senate Journals, which are of no use to the State, and should be disposed of, to make room for more valuable documents. The grounds in connection with this building, known as the Capitol grounds, are fenced and otherwise improved, but need some additional outlay for repairing fence and planting trees. These buildings are insured to the amount of \$24,000, not enough to cover the library and documents.

Your committee have instructed me to recommend the adoption of the following resolutions :

Resolved, That the Committee on Ways and Means are hereby instructed to report, in the general appropriation bill, the sum of \$2,650, as follows: \$1,500 for new roof upon the Capitol building; \$750 to pay for additional insurance upon the buildings referred to; \$225 for fencing and improving the lot upon which the Capitol is located; \$175 for repairing the fence, and otherwise improving the grounds of the Capitol Square.

Resolved, That the Census Board is hereby authorized to sell and dispose of all superfluous House and Senate Journals, and other worthless documents in the store-house, and the proceeds thereof to be placed in the State Treasury, to be used as other State funds.

CLOSE, Chairman.

Mr. Barker moved to refer the part of the report relative to "surplus documents" to a select committee, of which Mr. McNutt shall be Chairman, which motion prevailed.

The Speaker announced Messrs. McNutt, Barker, and Landes as the select committee.

Mr. Clark moved to refer the remainder of the report and resolutions to the Committee on Ways and Means, which motion prevailed.

Mr. McCullough, from the Joint Committee of Conference, submitted the following report, which was concurred in, and referred to the Committee on Ways and Means.

MR. SPEAKER:—The Joint Committee of Conference appointed

upon the disagreement of the two Houses in relation to the concurrent resolution fixing the per diem of the Postmaster, &c., report that they have performed the duty imposed upon them, and have agreed and instructed their chairman to recommend to their respective Houses that the per diem of the postmaster be fixed at \$4.50.

McCULLOUGH.

Mr. Clark submitted the following report :

Your Special Committee, to whom was referred House File No. 62, "An act to amend, and explanatory of section 1, chapter 118, of the acts of the Tenth General Assembly," also a substitute for the same, reported to this House by the Committee on the Judiciary, have had the same under consideration, and have directed me to report the same back to this House, and recommend the passage of the substitute without amendment.

L. CLARK, Chairman.

Mr. Finkbine, from the Committee on Ways and Means, submitted the following reports :

The committee to whom was referred House File No. 125, A bill making an appropriation for the Asylum for the Blind, have had the same under consideration, and have instructed me to report the same back, with the recommendation that it do pass.

FINKBINE, Chairman.

The Committee on Ways and Means, to whom was referred House File No. 49, A bill for an act providing for the erection of a building for Adjutant General and Quartermaster General's Office and for an arsenal, have had the same under consideration, and have instructed me to report back a substitute for the same, recommending its adoption.

FINKBINE, Chairman.

The Committee on Ways and Means, to whom was referred House File No. 249, A bill for an act making an appropriation to complete and repair the buildings of the State University, have had the same under consideration, and have instructed me to report the same back, with the recommendation that it do pass.

FINKBINE, Chairman.

The Committee on Ways and Means, to whom was referred House File No. 311, A bill for an act making appropriations for the Agricultural College, have had the same under consideration, and have instructed me to report a substitute recommending its adoption.

FINKBINE, Chairman.

The committee to whom was referred House File No. 312, A bill for an act making further appropriations for the Hospital for the Insane, have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that it pass.

FINKBINE, Chairman.

Mr. Finkbine offered the following resolution, which was adopted:

Resolved, That the following bills be made the special order for Saturday, at two o'clock P. M., in the order herein named: House Files No. 125, No. 149, No. 249, No. 311 and No. 312.

Mr. Williams of Des Moines, from the Committee on Domestic Manufactures, submitted the following report:

The Committee on Domestic Manufactures, to whom was referred House File No. 148, have had the same under consideration, and report the same back to the House and recommend its passage.

WILLIAMS of Des Moines, Chairman.

MESSAGES FROM THE SENATE.

Senate File No. 143, A bill for an act to reinvest county courts with power to establish roads, was read a first and second time.

Mr. Maxwell moved that the bill be indefinitely postponed, which motion prevailed.

COMMUNICATION ON THE SPEAKER'S TABLE.

A communication from T. S. Parvin, relative to the fossils sent to Albany by Prof. Hall, was read and referred to the Judiciary Committee.

Messrs. Conway, Leffingwell, Brown of Van Buren, Brown of Decatur, McCullough, Belt, and Hale, asked leave to record their votes on House File No. 2, A bill for an act disfranchising certain persons who evaded military service, which was granted.

Mr. Thorn asked leave of absence for to-day, which was granted.

Mr. Comfort moved that House File No. 239, A bill for an act allowing sheep to run at large, be taken up and considered, which motion prevailed.

Mr. Thomson moved that the bill be indefinitely postponed. The motion did not prevail.

Mr. Close moved to amend by adding: "And the owners of such sheep so allowed to run at large shall be subject to damages for crops destroyed, under our present form now in counties which have voted to restrain them."

The motion to amend prevailed, and the bill was ordered to be engrossed and read a third time.

Mr. Crawford moved that Senate File No. 81 be recommitted to the Committee on Printing. The motion prevailed.

SPECIAL ORDER.

The hour having arrived for the special order, the report of Committee on Constitutional Amendments, it was taken up and considered.

Mr. Abernethy moved to amend as follows: Strike out the word "white" from Section 4, Article 3 thereof.

Mr. Godfrey moved to amend the amendment from the Committee, by inserting after the word "State" in the second line "nor any person who has been, or who may hereafter be voluntarily engaged in the military service in rebellion against the United States," which was adopted.

Mr. Ballinger moved to amend the amendment by striking out in the first line the words "has been or" and in the second and third lines has "absconded or."

On the question to amend, Mr. Ballinger demanded the yeas and nays, which were as follows:

The yeas were Messrs. Alcorn, Ballinger, Barker, Bahl, Bereman, Bolter, Brown of Decatur, Buck, Comfort, Fellows, Lowdon, Martin, O'Brien, Sipple, Van Leuven, Wright, Wilson of Dubuque—17.

The nays were Messrs. Abernethy, Abbott, Belt, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Tracy, Thacher, Travis, Thomson, Walden, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—70.

Absent or not voting, Messrs. Barnes, Brown of Louisa, Huggins, McPherson, McKean, Rogers, Serrin, Tisdale, Thorn, and West—10.

So the amendment was lost.

Mr. Ballinger moved to amend by inserting after the word State in the second line, the following:

Nor shall any persons who shall have procured exemption from the draft during the existence of the late war, through false pretences or practices, or shall hereafter procure such exemption.

Nor shall any person who shall have engaged in any mob instituted through political motives, or otherwise, in States and places wherein the rightful authority of the United States Government was, at the time of such mob, maintained, or who shall hereafter engage in any such mob as aforesaid.

Nor shall any one who has heretofore, or who shall hereafter incite, encourage or connive at the same.

Nor shall any one who shall have attempted, or shall hereafter attempt, to break up or disturb any lawful assembly of citizens [including raiders on soldiers' conventions in all cases where the Governor of the State refuses to pay the expenses of such raid out of his own private funds, but uses the *public* money

for that purpose, and this fact is known to the raiders at the time of the commission of such raid] or who shall in any manner forcibly interfere with the peaceful proceedings of any such convention.

Nor shall any one who served in the capacity of Provost Marshal, Quartermaster, or in any other official capacity in the army of the United States during the war of the Great Rebellion, and who shall have stolen an amount to exceed fifty thousand dollars.

Nor shall any loyal or disloyal thief, be he "Republican," "Democrat," "Niggerhead," "Copperhead," or "Possum," who shall have heretofore, or who shall hereafter, have stolen an amount to exceed fifty thousand dollars, whether said person at the time of said theft was engaged in either a military or a civil office under the authority of either the United States or the State of Iowa.

Nor shall any one holding a civil office under the government of this State who shall have heretofore, or who shall have hereafter, devoted the public money to his own private use or become a defaulter to this State.

Nor shall any person who shall have heretofore, or shall have hereafter, denounced the President of the United States as a "traitor," "Copperhead," Judas Iscariot, or by any other name calculated to weaken the confidence of the people in the integrity or patriotism of their chief executive, for the sole provocation that said President manifests a determination to use all the powers vested in him by the Constitution to restore, preserve and perpetuate the Union of the States, ever be allowed the privilege of an elector of the State of Iowa.

On this question Mr. Ballinger demanded the yeas and nays, which were as follows:

The yeas were Messrs. Alcorn, Ballinger, Bahl, Bolter, Brown of Decatur, Buck, Loudon, O'Brien, Sipple, Wilson of Dubuque—11.

The nays were Messrs. Abernethy, Abbott, Barker, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForrest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Martin, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Tracy, Thacher, Traverse, Tisdale, Thompson, Van Leuven, Walden, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—77.

Absent or not voting, Barnes, Brown of Louisa, Huggins, McPherson, McKean, Rodgers, Serrin, Thorn, West—9.

So the amendment was lost.

Mr. Barker moved to amend by inserting after the word "State," in the fourth line, the following: "nor any person who showed cowardice on the battle field, or evaded going into battle."

Mr. Barker demanded the yeas and nays, which were as follows:

The yeas were Messrs. Alcorn, Ballinger, Barker, Bahl, Bennett, Bolter, Brown of Decatur, Brown of Winnesheik, Buck, Comfort, Fellows, Flanders, Garrett, Lowdon, Martin, O'Brien, Rohlf, Safely, Sipple, Travis, Walden, Wright, Wilson of Dubuque, Mr. Speaker—24.

The nays were Messrs. Abernethy, Abbott, Belt, Bereman, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Fry, Gamble, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Poindexter, Runyan, Russell, Ryan, Sapp, Sherman, Tracy, Thacher, Tisdale, Thomson, Van Leuven, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—64.

Absent or not voting, Messrs. Barnes, Brown of Louisa, Huggins, McPherson, McKean, Rogers, Serrin, Thorn, and West—9.

So the motion did not prevail.

Mr. Van Leuven moved that the House do now adjourn, which motion did not prevail.

Mr. Sapp moved to amend by adding the following: "and all such persons as stayed at home and pronounced the war a failure," which motion did not prevail.

Mr. Wilson, of Dubuque, moved to amend as follows: Strike out the word "guilty," where it occurs in the second line, and insert the word "convicted;" strike out the words "absconded, or may hereafter abscond," in third line, and insert the words, "been convicted of absconding."

Mr. Tracy moved that the House do now adjourn, which motion prevailed, and the House adjourned.

2 O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Maxwell offered the following resolution, and moved its adoption:

Resolved, That Mrs. E. C. Kent be granted the use of this Hall on Monday evening, March 26, to give an elocutionary entertainment, consisting of reading selections from various authors, and enlivened by music from the choir of East Des Moines.

Which motion prevailed.

The House resumed consideration of the amendment offered by Mr. Wilson, of Dubuque.

On this question, Mr. Fellows demanded the yeas and nays, which were as follows :

The yeas were Messrs. Alcorn, Ballinger, Barker, Bahl, Bereman, Bolter, Brown of Decatur, Buck, Comfort, Fellows, Lowdon, Martin, O'Brien, Sipple, Van Leuven, Wright, Wilson of Dubuque—17.

The nays were Messrs. Abernethy, Abbott, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thatcher, Travis, Tisdale, Thomson, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—69.

Absent or not voting, Messrs. Barnes, Belt, Brown of Louisa, Griffith, Huggins, McPherson, McKean, Poindexter, Rogers, Thorn, Walden—11.

So the motion did not prevail.

BILLS ON THIRD READING.

Mr. Dashiell moved to suspend the order of business and proceed with the consideration of Constitutional Amendment, which motion did not prevail.

Mr. Darwin asked leave of absence for the remainder of the day, which was granted.

House File No. 258, A bill for an act to amend Chapter 172, of the acts of the Tenth General Assembly was read a third time.

Mr. Burnett moved to recommit the bill to the Committee on Schools with instructions.

The motion did not prevail.

Mr. Burnett moved a call of the House, which was ordered and the roll was called.

Mr. Hale moved that further proceedings under the call be dispensed with, which motion prevailed.

Upon the question "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Ballinger, Barker, Boomer, Bereman, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Clark, Close, Conway, Crawford, Darwin, DeForest, Dudley Dwelle, Emery, Fellows, Finkbine, Flanders, Gaylord, Garrett, Glasgow, Godfrey, Goodrich, Graves, Holmes, Joy, Leff-

Leffingwell, Linderman, Lowdon, McLaughlin, Mills, Palmer, Poindexter, Rohlf, Runyan, Ryan, Sapp, Safely, Sherman, Travis, Tisdale, West, Wright, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—51.

The nays were Messrs. Abbott, Alcorn, Bahl, Bennett, Brown of Madison, Brown of Winneshiek, Carbee, Comfort, Dashiell, Fry, Gamble, Gary, Garber, Holden, Knapp, Knox, Landes, Martin, Maxwell, McNutt, McCullough, Morgan, Olmstead, Russell, Safely, Serrin, Tracy, Thacher, Thomson, Van Leuven, Wilcox, Williams of Des Moines,—32.

Absent or not voting, Messrs. Barnes, Belt, Brown of Louisa, Griffith, Hale, Huggins, McPherson, McKean, O'Brien, Rogers, Sipple, Thorn, Walden, Wilson of Dubuque—15.

So the bill passed and the title was agreed to.

Mr. Sapp asked leave of absence for the remainder of the day, which was granted.

Mr. Maxwell asked leave of absence for Mr. Knapp until next Monday, which was granted.

Mr. Finkbine moved that Senate File No. 142, A bill for an act fixing the salaries of certain State officers, be taken up and considered, which motion prevailed. The amendments recommended by the committee were concurred in.

Mr. Goodrich moved that the bill be indefinitely postponed, which motion did not prevail.

Mr. Tracy moved to amend by making the salary of State Treasurer \$2,000, which motion did not prevail.

The bill was ordered to be read a third time.

Mr. Glasgow moved to suspend the rule, and read the bill a third time now, which motion prevailed.

The bill was read a third time. Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barker, Bereman, Bennett, Boomer, Bolter, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Clark, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Fry, Gaylord, Gary, Garber, Glasgow, Godfrey, Graves, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Ryan, Safely, Serrin, Tracy, Tisdale, Van Leuven, West, Wilcox, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—60.

The nays were Messrs. Ballinger, Brown of Decatur, Buck, Carbee, Close, Comfort, Fellows, Flanders, Fry, Goodrich, Lowdon, Martin, Thacher, Travis, Thomson, Wright—17.

Absent or not voting, Messrs. Boomer, Belt, Brown of Louisa, Darwin, Gamble, Griffith, Huggins, McPherson, McNutt, McKean, O'Brien, Rogers, Russell, Sapp, Sherman, Sipple, Thorn, Walden, Wilson of Dubuque, Williams of Des Moines—20.

So the bill passed and the title was agreed to.

House File No. 170, A bill for an act to accept of the grant and carry into execution the trust conferred upon the State of Iowa, was read a third time. Upon the question, "Shall the bill pass?"

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Ciark, Comfort, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlfis, Runyan, Ryan, Safely, Serrin, Tracy, Thacher, Tisdale, Thomson, Van Leuven, Wilcox, Wright, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—71.

The nays were none.

Absent or not voting, Messrs. Abbott, Barnes, Belt, Brown of Louisa, Brown of Madison, Close, Darwin, Fellows, Garrett, Hale, Griffith, Huggins, Maxwell, McPherson, McKean, O'Brien, Rogers, Russell, Sapp, Sipple, Travis, Thorn, Walden, West, Williams of Des Moines, Wilson of Dubuque—26.

So the bill passed, and the title was agreed to.

Mr. Wilson of Jackson moved that House File No 127, A bill for an act to amend an act to change and fix the time of holding courts in the Seventh Judicial District, be taken up and considered, which motion prevailed.

The substitute recommended by the Committee was adopted.

The bill was ordered to be read a third time.

Mr. Wilson of Jackson moved to suspend the rule and read the bill a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Crawford, Dashiell, Dudley, Dwelle, Emery, Fellows, Flanders, Fry, Gamble, Gaylord, Garrett, Glasgow, Godfrey, Goodrich, Graves, Hale, Hald, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Maxwell, McCullough, McLaughlin, Mills, Olmstead, Palmer, Poindexter, Rohlfis, Runyan, Russell, Ryan, Safely, Serrin, Tracy, Tisdale, Thomson, Van Leuven, West, Wright, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—67.

Absent or not voting, Messrs. Ballinger, Barnes, Belt, Brown of Louisa, Brown of Madison, Darwin, DeForest, Finkbine, Gary, Garber, Griffith, Huggins, Leffingwell, Martin, McPherson, Mc-

Nutt, McKean, Morgan, O'Brien, Rogers, Sapp, Sherman, Sipple, Thacher, Travis, Thorn, Walden, Wilcox, Wilson of Dubuque, Wilson of Des Moines—30.

So the bill passed and the title was agreed to.

Mr. Glasgow moved that House File No. 209, A bill for an act relating to the Adjutant General's report for 1867 be taken up and considered, which motion prevailed.

The amendments recommended by the Committee, were concurred in, and the bill ordered to be engrossed and read a third time.

Mr. Ryan moved that Senate File No. 129, A bill for an act to legalize and make valid the acts of the County Treasurer of Jasper County, Iowa, be taken up and considered, which motion prevailed.

The bill was ordered to be read a third time.

Mr. Ryan moved to suspend the rule, and the bill read a third time now, which motion prevailed and the bill was read a third time.

Upon the question shall the bill pass, the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Carbee, Clark, Comfort, Conway, Crawford, Dashiell, Dudley, Dwelle, Emery, Fellows, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Graves, Hale, Hand, Holden, Joy, Knapp, Knox, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Travis, Tisdale, Thomson, Van Leuven, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—69.

The nays were none.

Absent or not voting, Messrs. Barnes, Belt, Bereman, Bennett, Brown of Louisa, Close, Darwin, DeForest, Finkbine, Godfrey, Goodrich, Griffith, Holmes, Huggins, Landes, Leffingwell, McPherson, McKean, O'Brien, Rogers, Sapp, Sipple, Tracy, Thacher, Thorn, Walden, West, Wilson of Dubuque—28.

So the bill passed, and the title was agreed to.

Mr. Gamble moved that the House do now adjourn, which motion did not prevail.

Mr. Joy moved to take up House File No. 242, which motion did not prevail.

Mr. Williams of Winneshiek moved that Senate File No. 140, A bill for an act to amend Chapter 98, of the acts of the Tenth General Assembly, be taken up and considered, which motion prevailed.

The bill was ordered to be read a third time.

Mr. Williams of Winneshiek moved to suspend the rule, and read the bill a third time now, which motion prevailed.

The bill was read a third time.

Upon the question shall the bill pass, the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Comfort, Crawford, Dashiell, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Gamble, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Graves, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Poindexter, Runyan, Russell, Ryan, Safely, Serrin, Tracy, Travis, Tisdale, Thomson, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—70.

The nays were none.

Absent or not voting, Messrs. Barnes, Belt, Bennett, Boomer, Brown of Louisa, Close, Conway, Darwin, DeForest, Fry, Glasgow, Griffith, Huggins, Landes, Leffingwell, McPherson, McKean, O'Brien, Rogers, Rohlf, Sapp, Sherman, Sipple, Thacher, Thorn, Walden, Wilson of Dubuque—27.

So the bill passed and the title was agreed to.

Mr. Hand moved to make House File No. 310 a special order for Tuesday next at 10 A. M., which motion prevailed.

Mr. Clark moved that the House do now adjourn, which motion did not prevail.

Mr. Holden moved to make House File No. 192 a special order for Wednesday next at 10 A. M., which motion prevailed.

Mr. Dwelle, from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER:—Your Committee on Engrossed Bills have examined the following House File and report the same as correctly engrossed :

House File No. 228, A bill for an act to amend Chapter 100 of the Revision of 1860 in relation to the estates of decedents.

L. DWELLE, Chairman.

PETITIONS.

Mr. Finkbine presented a petition numerously signed by citizens of Johnson County praying for the repeal of certain acts of the Seventh General Assembly in relation to beer, wine and cider.

Referred to the Committee on the Suppression of Intemperance.

Mr. Holden moved that the House do now adjourn, which motion prevailed and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, March 24, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. M. Phillips.

Journal of yesterday read and approved.

Mr. Darwin asked leave to record his vote for the school bill, which was granted.

REPORTS OF COMMITTEES.

Mr. Fellows, from the Select Committee which was appointed for the investigation of the allegations offered against the American Emigrant Company, submitted the following report :

MR. SPEAKER :—The Joint Committee appointed to investigate the charges of fraud against the American Emigrant Company, in relation to swamp lands, has instructed me to report to the House the accompanying bill and recommend its passage.

FELLOWS, for the Committee.

House File No. 318, A bill for an act in relation to swamp lands was read first and second time and passed on file.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to inform your honorable body that the Senate has passed the following bills in which the concurrence of the House is asked :

Senate File No. 186, A bill for an act to aid in the support and education of soldiers' orphans of Iowa, and for the benefit of the Iowa Soldiers' Orphans' Home.

Substitute for Senate File No. 184, A bill for an act to amend Section 1442 of the Revision of 1860 by adding thereto a provision in relation to idiot and imbecile persons.

Senate File No. 210, A bill for an act to prevent Indian trespasses and depredations.

Also, that the Senate has concurred in the House amendments to the following bills :

Senate File No. 98, A bill for an act to authorize the County Judge of Des Moines County to record and complete the record of proceedings had before his predecessor in office.

Senate File No. 3, A bill for an act granting to the Iowa State University certain property in Iowa City.

Also that substitute for House File No. 227, A bill for an act to provide for the payment of the bonds of the State of Iowa, matur-

ing January 1st, 1868, and providing for the loaning of the school fund, has failed to pass the Senate.

I return herewith the following bills and resolution, they having passed the Senate without amendment.

House File No. 252, A bill for an act fixing the time of holding court in the 12th judicial district.

House File No. 314, A bill for an act to legalize the official acts of Roger N. Cresap, a notary public of Van Buren county, Iowa.

House File No. 265, A bill for an act to secure the back pay due the 1st Iowa Cavalry.

Joint Resolution asking the muster out of service of the 8th Regiment Iowa Veteran Volunteers.

JAMES M. WEART,

Assistant Secretary.

Mr. Dwelle, from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER :—Your Committee on Engrossed Bills, have examined the following House Files, and report the same as correctly engrossed :

House File No. 209, A bill for an act relating to the Adjutant General's Report for 1867.

House File No. 239, A bill for an act allowing sheep to run at large.

House File No. 259, A bill for an act to provide for the collection and settlement of the notes and mortgages taken by J. D. Eads for money loaned by him out of the permanent school fund.

L. DWELLE, Chairman.

Mr. Tisdale, from the Committee on Enrolled Bills, submitted the following report :

MR. SPEAKER :—Your Committee on Enrolled Bills has examined House Files 313, 177, and Substitute for House File 103, find them correctly enrolled, and present the same for your signature.

I have also Senate Files 42, 125, and 130, which have been examined and found correctly enrolled, and I present them for your signature.

G. J. TISDALE, Chairman.

SENATE MESSAGES.

Senate File No. 186, " A bill for an act to aid in the support and education of soldiers' orphans of Iowa, and for the benefit of the Iowa Soldiers' Orphans' Home," was read a first and second time.

Mr. Flanders moved to refer to the select committee of which Mr. Darwin is Chairman, which motion prevailed.

Substitute for Senate File 184, " A bill for an act to amend Sec. 1442 of the Revision of 1860, by adding thereto a provision in relation to imbecile or idiot persons," was read a first and second time.

The bill was ordered to be read a third time.

Mr. McNutt moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Hale, Hand, Holmes, Joy, Knox, Landes, Linderman, Lowdon, Martin, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—80.

The nays were Messrs. Poindexter, Russell, and Wilson of Jackson—3.

Absent or not voting, Messrs. Barnes, Barker, Brown of Louisa, Godfrey, Griffith, Holden, Huggins, Knapp, Leffingwell, Maxwell, McKean, O'Brien, Rogers, and Thorn—15.

So the bill passed, and the title was agreed to.

Senate File No. 210, "A bill for an act to prevent Indian trespasses and depredations," was read a first and second time.

Mr. Joy moved that the bill be referred to a select committee, which motion prevailed.

The Speaker announced Messrs. Joy, McNutt, Hand, Sapp, and Wilson of Dubuque as such committee.

SPECIAL ORDER.

The hour having arrived for the special order—Senate File No. 118, "A bill for an act providing for the adjustment of certain claims with the General Government," it was considered.

Mr. Fellows moved that the bill be made a special order for Thursday next, at 10, A. M., which motion did not prevail.

Mr. Finkbine offered the following amendment, as Sec. 5, and moved its adoption: "All indemnity scrip received from the General Government, and all swamp lands patented to the State, shall be conveyed to the counties to which they belong, and all money and indemnity scrip received from the Government shall be placed under the control of the Board of Supervisors of the several counties to which they belong, leaving the counties, through their respective Boards of Supervisors, to settle with their grantees."

The motion prevailed.

Mr. Bennett moved to amend by striking out of Sec. 4 "as his compensation, two dollars per day for the time actually engaged in the discharge of the duties by this act imposed, with."

The motion did not prevail.

Mr. Fellows moved to amend by striking out third section of the preamble, which motion did not prevail.

The bill was ordered to be engrossed and read a third time.

Mr. Hale moved that the rule be suspended and the bill be read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Graves, Hale, Hand, Holmes, Holden, Joy, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Thomson, Walden, West, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—82.

The nays were Messrs. Fellows, Goodrich, Van Leuven—3.

Absent or not voting, Messrs. Barnes, Brown of Louisa, Conway, Griffith, Huggins, Knapp, Martin, McKean, Rogers, Tisdale, Thorn and Wright—12.

So the bill passed and the title was agreed to.

By leave, Mr. Finkbine offered the following Joint Resolution and moved its adoption:

Resolved by the House of Representatives, the Senate concurring, That the authorities at Washington are hereby requested to send all swamp land patents and indemnity land scrip direct to the Register of the State Land Office, and all indemnity warrants or money to the Treasurer of State, and the Secretary of State is hereby directed to send certified copies of this resolution to the Secretary of the Treasury and of the Interior.

The resolution was adopted.

Mr. Finkbine moved that the special order for this afternoon be postponed until Monday next at 2 o'clock P. M., which motion prevailed.

Mr. Burnett moved that the House do now adjourn, which motion did not prevail.

Mr. Tisdale from the Committee on Enrolled Bills submitted the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills has examined House File No. 252, find it correctly enrolled, and present the same for your signature.

I also present for your signature Senate File Nos. 3 and 98, which have been examined and found correctly enrolled by Senate Committee.

G. J. TISDALE, Chairman.

Mr. Finkbine offered the following Joint Resolution and moved its adoption :

Resolved by the House of Representatives, the Senate concurring, That the Attorney General be and is hereby directed to commence suit against the American Emigrant Company for the two per cent. on the amount of swamp land indemnity scrip which they have received and on which said two per cent. has not been paid to the State; *Provided*, That in his opinion the State has a just claim to the same.

The resolution was adopted.

Mr. Hale moved that when this House adjourn, it be until Monday 9 A. M.

Messrs. Tracy and Gamble demanded the yeas and nays which were as follows :

The yeas were Messrs. Abbott, Ballinger, Barker, Bahl, Belt, Clark, Glasgow, Hale, Leffingwell, Linderman, Maxwell, McPherson, McCullough, Russell, Ryan, Sapp, Sipple, Thacher—18.

The nays were Messrs. Abernethy, Alcorn, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Graves, Hand, Holmes, Holden, Joy, Knox, Landes, Lowdon, McNutt, McLaughlin, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Safely, Serrin, Sherman, Tracy, Travis, Tisdale, Thomson, Van Leuven, Walden, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—68.

Absent or not voting, Messrs. Barnes, Brown of Louisa, Griffith, Huggins, Knapp, Martin, McKean, O'Brien, Rogers, Thorn, Wilson of Dubuque—11.

So the motion was lost.

Mr. Tracy moved that the House do now adjourn, which motion prevailed and the House adjourned.

2 O'CLOCK P. M.

The House met pursuant to adjournment.

Mr. Sherman moved that House File No. 243, be made the special order for Monday next at 11 A. M., which motion prevailed.

Mr. Alcorn moved that House File No. 309, A bill for an act to legalize the acts of the Board of Supervisors of Webster county, in appropriating \$30,000 to equalize the bounties to the soldiers who entered the service from said county, and legalize taxes to pay the same be taken up, which motion prevailed.

The bill was ordered to be read a third time.

Mr. Alcorn moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time. Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Fellows, Finkbine, Gamble, Gary, Garber, Graves, Hand, Holmes, Holden, Knox, Landes, Leffingwell, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, Morgan, Olmstead, Palmer, Rohlf, Runyan, Russell, Ryan, Serrin, Sherman, Thomson, West, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—60.

The nays were Messrs. Emery, Fry, Safely, Thacher, Travis, Tisdale, Wilcox, Wilson of Jackson—8.

Absent or not voting, Messrs. Barker, Barnes, Brown of Louisa, Brown of Van Buren, Clark, Flanders, Gaylord, Garrett, Glasgow, Godfrey, Goodrich, Griffith, Hale, Huggins, Joy, Knapp, Linderman, McPherson, McKean, Mills, O'Brien, Poindexter, Rogers, Sapp, Sipple, Tracy, Thorn, Van Leuven, Walden—29.

So the bill passed and the title was agreed to.

By leave, Mr. Wilson of Dubuque offered the following resolution:

Resolved, the Senate concurring, that the Swamp Land Investigation Committee be instructed to bring in their report on Monday next.

Mr. Maxwell moved that the resolution be laid on the table.

Mr. Wilson of Dubuque demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Barker, Brown of Winneshiek, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Flanders, Fry, Glasgow, Godfrey, Hale, Knox, Landes, Leffingwell, Maxwell, McPherson, McLaughlin, Mills, Morgan, Olmstead, Palmer, Russell, Ryan, Sherman, Tracy, Thacher, West, Wilcox, Williams of Des Moines—34.

The nays were Messrs. Abbott, Ballinger, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Comfort, Dwelle, Emery, Fellows, Finkbine, Gamble, Gaylord, Gary, Garrett, Garber, Goodrich, Graves, Hand, Holmes, Holden, Joy, Lowdon, Martin, McNutt, McCul-

lough, O'Brien, Poindexter, Rohlf, Runyan, Sapp, Safely, Serrin, Travis, Tisdale, Thomson, Van Leuven, Wilson of Dubuque, Wilson, of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—50.

Absent or not voting, Messrs. Alcorn, Barnes, Brown of Decatur, Brown of Louisa, Griffith, Huggins, Knapp, Lindermaan, McKean, Rogers, Thorn, Walden, Wright—13.

So the motion to lay upon the table did not prevail.

Upon the question of adopting the resolution Mr. O'Brien demanded the yeas and nays which were as follows:

The yeas were Messrs. Abbott, Ballinger, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, DeForrest, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gray, Garrett, Garber, Graves, Hand, Holmes, Holden, Knox, Landes, McPherson, McNutt, McCullough, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Sapp, Safely, Serrin, Sipple, Tracy, Traverse, Tisdale, Thomson, Van Leuven, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—52.

The nays were Messrs. Abernethy, Barker, Brown of Winneshiek, Close, Comfort, Crawford, Darwin, Dashiell, Dudley, Flanders, Glasgow, Godfrey, Goodrich, Hale, Joy, Leffingwell, Maxwell, McLaughlin, Mills, Morgan, Palmer, Ryan, Sherman, Thacher, West, Wilcox, Williams of Des Moines—28.

Absent or not voting, Messrs. Alcorn, Barnes, Brown of Decatur, Brown of Louisa, Conway, Griffith, Huggins, Knapp, Linderman, Lowdon, Martin, McKean, Rogers, Russell, Thomson, Walden, Wright—17.

So the resolution was adopted.

Mr. Wilcox asked leave to withdraw the following bills:

House File No. 224, A bill for an act to repeal an act entitled an act authorizing general banking in the State of Iowa.

House File No. 225, A bill for an act entitled an act to incorporate the State Bank of Iowa and to enable it to wind up its affairs, which was granted.

Mr. Wilcox moved to recommit House File No. 171, A bill for an act to retire the circulation of bank notes of the State Bank of Iowa, which motion prevailed.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order, being the subject of Constitutional amendments, Mr. Emery offered the following amendment:

This amendment shall expire by limitation ten years after its adoption by the people, so far as it effects persons who have heretofore offended.

Upon the question of adopting the amendment Mr. Emery demanded the yeas and nays, which were as follows:

The yeas were Messrs. Barker, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Carbee, Dudley, Dwelle, Emery, Fry, Gamble, Garber, Leffingwell, Safely, Serrin, Thacher, Van Lerven, Wilcox, Wilson of Jackson—20.

The nays were Messrs. Abernethy, Abbott, Ballinger, Bahl, Belt, Bennett, Boomer, Brown of Madison, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Fellows, Finkbine, Flanders, Gaylord, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Hale, Hand, Holmes, Holden, Joy, Landes, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Rohlf, Runyan, Sapp, Sherman, Sipple, Tracy, Travis, Tisdale, Thomson, West, Wright, Williams of Des Moines, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—61.

Absent or not voting, Messrs. Barnes, Bereman, Bolter, Brown of Decatur, Brown of Louisa, Clark, Griffith, Huggins, Knapp, Knox, McKean, Poindexter, Rogers, Thorn, Walden, Wilson of Dubuque—16.

So the amendment was lost.

Mr. Dashiell offered the following amendment:

Strike out the word "been" in the first line and insert instead the word "committed," and strike out the words "be guilty" in the second line, and insert instead the words "commit the crime," causing to read "nor shall any one who has committed or may hereafter commit the crime of treason against the United States or this State."

Strike out former amendment.

The amendment was adopted.

BILLS ON THIRD READING.

Mr. O'Brien moved to suspend the regular order of business, and proceed with the special order, which motion did not prevail.

Mr. Finkbine moved to reconsider the vote by which House File No. 309, A bill for an act to legalize the acts of the Board of Supervisors of Webster county, in appropriating \$30,000 to equalize the bounties of soldiers who entered the service from said county, was passed. The motion to reconsider prevailed.

Mr. Finkbine moved to recommit the bill to the Select Committee, which motion prevailed.

House File No. 228, A bill for an act to amend chapter 100, of the Revision of 1860, relating to the estate of decedents, was read a second time. Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of

Madison, Brown of Van Buren, Brown of Winnesheik, Burnett, Carbee, Close, Comfort, Conway, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Garrett, Garber, Glasgow, Godfrey, Graves, Hale, Hand, Holmes, Holden, Joy, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Palmer, Rohlf, Runyan, Sapp, Safely, Serrin, Sherman, Sipple, Thacher, Travis, Tisdale, Thomson, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—79.

The nays were Messrs. Russell and Ryan—2.

Absent or not voting, Messrs. Alcorn, Brown of Decatur, Brown of Louisa, Buck, Crawford, Clark, Gary, Goodrich, Griffith, Huggins, Knapp, McKean, Poindexter, Rogers, Tracy, Thorn, Walden, Mr. Speaker—16.

So the bill passed, and the title was agreed to.

House File No. 259, "A bill for an act to provide for the collection and settlement of the notes and mortgages by James D. Eads, for money loaned by him out of the permanent school fund," was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Garrett, Garber, Glasgow, Godfrey, Graves, Hand, Holmes, Holden, Joy, Knox, Landes, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Morgan, Olmstead, Palmer, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—71.

Mr. Mills voted in the negative.

Absent or not voting, Messrs. Alcorn, Ballinger, Barnes, Bolter, Brown of Decatur, Brown of Louisa, Buck, Clark, Fellows, Gary, Goodrich, Griffith, Hale, Huggins, Knapp, Lowdon, Martin, McKean, O'Brien, Poindexter, Rogers, Sapp, Thorn, Walden, Mr. Speaker—25.

So the bill passed and the title was agreed to.

Senate File No. 112, A bill for an act relating to accounts in the office of Auditor of State, and Treasurer of State, was read a third time.

Upon the question shall the bill pass, the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Ballinger, Barker,

Bahl, Barnes, Belt, Bennett, Boomer, Brown of Madison, Brown of VanBuren, Brown of Winneshiek, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Gamble, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Hand, Holmes, Holden, Joy, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McCullough, Mills, Morgan, Olmstead, Palmer, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—67.

In the negative, Mr. Fry—1.

Absent or not voting, Messrs. Alcorn, Bereman, Bolter, Brown of Decatur, Brown of Louisa, Buck, Clark, Fellows, Finkbine, Flanders, Garrett, Graves, Griffith, Hale, Huggins, Knapp, Knox, McNutt, McLaughlin, McKean, O'Brien, Poindexter, Rogers, Rohlf, Sapp, Thorn, Walden and Mr. Speaker—29.

So the bill passed and the title was agreed to.

House File No. 260, "A bill for an act to amend Chapter 32 of the acts passed at the regular session of the 9th General Assembly, and Chapter 156 of the acts of said session, amendatory thereof," was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Ballinger, Bahl, Belt, Bennett, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Flanders, Fry, Gaylord, Garrett, Garber, Glasgow, Godfrey, Graves, Hale, Hand, Holmes, Holden, Joy, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, Mills, Morgan, Olmstead, Palmer, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Travis, Tisdale, Thomson, Van Leuven, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—64.

Mr. Close voted in the negative.

Absent or not voting, Messrs. Alcorn, Barnes, Barker, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Buck, Clark, Dudley, Fellows, Finkbine, Gamble, Gary, Goodrich, Griffith, Huggins, Knapp, Martin, McCullough, McLaughlin, McKean, O'Brien, Poindexter, Rogers, Thacher, Thorn, Walden, West, Wilcox, and Wilson of Dubuque—32.

So the bill passed, and the title was agreed to.

House File No. 209, "A bill for an act relating to the Adjutant General's Report for 1867," was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Belt, Bere-

man, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Hale, Hand, Holmes, Holden, Joy, Knox, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, Morgan, Palmer, Poindexter, Rogers, Runyan, Russell, Ryan, Sherman, Tracy, Tisdale, Thomson, Van Leuven, West, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—56.

The nays were Messrs. Close, Comfort, Garber, Lowdon, Mills, Rohlf, Safely, Serrin, Sipple, Travis, Wright, and Wilson of Dubuque—12.

Absent or not voting, Messrs. Ballinger, Barnes, Barker, Bahl, Brown of Louisa, Buck, Conway, Dudley, Fellows, Finkbine, Griffith, Huggins, Knapp, Landes, Martin, McLaughlin, McKean, O'Brien, Olmstead, Poindexter, Rogers, Sapp, Thacher, Thorn, Walden, Wilcox, Williams of Des Moines, and Williams of Winneshiek—29.

So the bill passed and the title was agreed to.

House File No. 239, A bill for an act allowing sheep to run at large, was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Ballinger, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Van Buren, Brown of Winneshiek, Clark, Comfort, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Flanders, Gamble, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Graves, Hale, Hand, Holden, Joy, Knox, Leffingwell, Linderman, Lowdon, Maxwell, Morgan, O'Brien, Runyan, Russell, Ryan, Sapp, Sherman, Sipple, Travis, Tisdale, Van Leuven, West, Wilcox, Wilson of Marshall, Williams of Winneshiek,—50.

The nays were Messrs. Alcorn, Belt, Boomer, Burnett, Close, Fry, Holmes, McNutt, McCullough, McLaughlin, Mills, Olmstead, Palmer, Rohlf, Safely, Serrin, Tracy, Wilson of Dubuque, Wilson of Jackson, Mr. Speaker—20.

Absent or not voting were Messrs. Abernethy, Barnes, Barker, Bahl, Brown of Louisa, Buck, Carbee, Conway, Darwin, Fellows, Finkbine, Griffith, Glasgow, Huggins, Knapp, Landes, Martin, McPherson, McKean, Poindexter, Rogers, Thacher, Thomson, Thorn, Walden, Wright, Williams of Des Moines—27.

So the bill passed and the title was agreed to.

Mr. Wilson of Dubuque moved that House File No. 218, A bill for an act to repeal Section 1760 of the Revision of 1860, be taken up and considered, which motion prevailed.

The bill was ordered to be engrossed and read the third time.

Mr. Holden moved that the rule be suspended and the bill be read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "shall the bill pass" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Belt, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Comfort, Crawford, Darwin, Dashiell, DeForrest, Dudley, Dwelle, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Hand, Holden, Knox, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Rohlf, Runyan, Russell, Ryan, Safely, Sherman, Sipple, Tracy, Travis, Thomson, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Williams, of Winneshiek, Mr. Speaker—70.

The Nays were Messrs. Close, Crawford, Darwin, Emery, Joy, Tisdale—5.

Absent and not voting, Messrs. Barnes, Boomer, Brown of Louisa, Buck, Conway, Godfrey, Griffith, Hale, Holmes, Huggins, Knapp, Landes, McPherson, McKean, O'Brien, Poindexter, Rogers, Sapp, Thatcher, Thorn, Walden, Williams of Des Moines—22.

So the bill passed and the title was agreed to.

Mr. Holden moved to take up Senate File No. 123, A bill for an act to amend Chapter 44 of the acts of the Tenth General Assembly, which motion did not prevail.

Mr. Wilcox moved that the substitute for House File No. 240, A bill for an act to define the liabilities of railroads and other companies in the transportation of freight, be taken up and considered.

The substitute was adopted, and ordered to be engrossed and read a third time.

Mr. Wilcox moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "shall the bill pass" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Ballinger, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Comfort, Crawford, DeForrest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Goodrich, Graves, Hand, Holmes, Holden, Joy, Knox, Leffingwell, Linderman, Martin, Maxwell, McNutt, McCullough, McLaughlin, Mills, Olmstead, Palmer, Rohlf, Runyan, Russell, Safely, Serrin, Sherman, Sipple, Tracy, Traverse, Tisdale, Thomson, West, Wilcox, Wright, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—69.

The yeas were Messrs. Abbott, Darwin, Dashiell, Glasgow, Hale, Lowdon, Morgan, Van Leuven, Williams, of Des Moines—9.

Absent or not voting, Alcorn, Barnes, Brown of Louisa, Buck, Conway, Godfrey, Griffith, Huggins, Knapp, Landes, McPherson, McKean, O'Brien, Poindexter, Rogers, Thacher, Thorn, Walden, Wilson of Dubuque—19.

So the bill was passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

Mr. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked :

Senate File No. 216, A bill for an act to provide for the payment of the bonds of the State maturing January 1, 1868, and the issue of State bonds to Permanent School Fund.

GEO. P. ABEL, Ass't Secretary.

Mr. Finkbine moved that Senate File No. 216, A bill for an act to provide for the payment of the bonds of the State maturing January 1, 1868, and the issue of State bonds to the Permanent School Fund be taken up and considered, which motion prevailed.

The bill was read a first and second time.

Mr. Barker offered the following amendment which was adopted :

Amend Section 2, by striking out in the second and third lines the words "the proper officers of the State" and insert the words "Treasurer of State," and after the word "State" in the fourth line, insert the words, "countersigned by the Auditor of State, and by the Governor, with the seal of the State attached."

Mr. Wilson of Dubuque moved that the bill be referred to the Committee on Ways and Means, which did not prevail.

Mr. Close offered the following amendment which was adopted :

Insert after the word "sold" in second line, "all school monies used by virtue of this act."

The bill was ordered to be read a third time.

Mr. Finkbine moved that the rule be suspended and the bill be read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Barker, Belt, Bereman, Bolter, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Hand, Holmes, Holden, Joy, Knox, Leffingwell, Linderman, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Rohlf, Runyan, Rus-

sell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Tisdale, Thomson, Van Leuven, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winnesheik, Mr. Speaker—68.

The nays were Messrs. Alcorn, Ballinger, Brown of Decatur, Buck, Fellows, Lowdon, Martin, O'Brien, Sipple, Wright, Wilson of Dubuque—11.

Absent or not voting, were Messrs. Barnes, Bahl, Burnett, Boomer, Brown of Louisa, Conway, Griffith, Hale, Huggins, Knapp, Landes, McPherson, McKean, Poindexter, Rogers, Travis, Thorn, Walden—18.

So the bill passed and the title was agreed to.

Mr. Holden moved that Senate File No. 123, be made a special order for Tuesday 11 A. M., which motion did not prevail.

Mr. Wilson of Dubuque moved that the House do now adjourn, which motion did not prevail.

By leave, Mr. McNutt offered the following resolution :

Resolved by the House of Representatives, the Senate concurring, That the Secretary of State is hereby authorized and requested to deliver to each one of the Judges of the Supreme Court six copies of each volume of the Supreme Court Reports issued since the adjournment of the Tenth General Assembly; *Provided*, There is a sufficient number of copies of said reports now on hand.

Resolved further, That each Judge of the Supreme Court shall be entitled to five copies of each volume of said reports hereafter to be published during their respective terms of office.

Mr. Buck moved to strike out 6 and insert 2, which motion did not prevail.

Mr. Van Leuven moved to strike out 6 and insert 4, which motion did not prevail.

Mr. O'Brien moved that the resolution be laid on the table, and demanded the yeas and nays, which were as follows :

The yeas were Messrs. Barker, Bahl, Boomer, Bolter, Brown of Decatur, Buck, Comfort, Fellows, Gaylord, Garber, Knox, Linderman, Lowdon, Martin, Mills, O'Brien, Rohlf, Safely, Serrin, Sipple, Travis, Van Leuven, West, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall—28.

The nays were Messrs. Abernethy, Abbott, Ballinger, Belt, Bereman, Bennett, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Burnett, Close, Crawford, Dashiell, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Glasgow, Godfrey, Graves, Hale, Hand, Holmes, Holden, Joy, Leffingwell, McNutt, McCullough, McLaughlin, Morgan, Olmstead, Palmer, Runyan, Russell, Ryan, Sapp, Sherman, Tracy, Thacher, Tisdale, Thomson, Wilcox, Wilson of Jackson, Williams of Winnesheik, Mr. Speaker—50.

Absent or not voting, Messrs. Alcorn, Barnes, Brown of Louisa, Carbee, Clark, Conway, DeForest, Goodrich, Griffith, Hug-

gins, Knapp, Landes, Maxwell, McPherson, McKean, Poindexter, Rogers, Thorn, Walden—19.

So the motion did not prevail.

Mr. Sapp moved that four copies be given to the Supreme Judges, and two copies to the District Judges.

Mr. Wright moved to amend by allowing two copies to the County Judges.

Mr. Van Leuven moved that the resolution be laid on the table, which motion prevailed.

Mr. Barker offered the following resolution, and moved its adoption:

Resolved by the General Assembly of the State of Iowa, That one copy of each volume of the Adjutant General's Report be furnished to each United States examining surgeon in this State, and the Secretary of State is directed to carry this resolution into effect.

The resolution was adopted.

Mr. Morgan offered the following resolution, and moved its adoption:

WHEREAS, There is a difference of opinion among the members of this House as to the amount of postage stamps allowed (if any) the employees; therefore, to make it plain, be it

Resolved, That the Secretary of State be authorized to allow the messengers and paper-folders of this House one dollar and fifty cents per week each for the session, and that the Committee of Ways and Means be instructed to include the amount in the general appropriation bill.

The resolution was lost.

Mr. Mills moved that House File No. 150, A bill for an act requiring County Treasurers to properly post their books, and make report to Clerk of County Board of Supervisors, be taken up and considered.

Mr. Mills moved that the blank in section 3 be filled with \$50.

Mr. Tracy moved to amend by inserting \$30, which motion did not prevail.

The blank was filled with \$50.

Mr. Tracy moved that the bill be indefinitely postponed, which motion prevailed.

Mr. Thomson moved that House File No. 267, A bill for an act for the taxing of dogs, and for the protection of sheep and other domestic animals, be taken up and considered, which motion prevailed.

Mr. Bennett moved that the House resolve itself into a Committee of the Whole, for the consideration of the bill, which motion did not prevail.

Mr. Russell moved that the House do now adjourn, which motion did not prevail.

Mr. Barker moved that the bill be made a special order for Tuesday, 7½ o'clock P. M., which motion did not prevail.

Mr. O'Brien moved that the bill be indefinitely postponed, which motion did not prevail.

Mr. Hale moved that the bill be postponed until Tuesday next, seven o'clock and ten minutes P. M., which motion did not prevail.

Mr. Fellows moved to amend by striking out the word "run," in the last line of section 2, which motion prevailed.

Mr. Barker moved that the House do now adjourn, which motion did not prevail.

Mr. Bennett moved to amend by striking out the words "at large," in fifth line, section two, which motion did not prevail.

Mr. Gamble moved to amend section 3, third line, by adding, "provided the person does not attack the dog first," which did not prevail.

Mr. Hale moved to amend the first section as follows: Add the words, "provided the operation of this law shall not be *ex post facto*," which motion did not prevail.

Mr. Hand moved the previous question, which was not seconded.

Mr. Barker moved that the House do now adjourn, which motion did not prevail.

Mr. Brown of Decatur moved to amend by striking out third and fourth line of section 3, which motion did not prevail.

Mr. O'Brien moved to amend by striking out the word "not," in second line of section four, which motion did not prevail.

Mr. Bennett moved to amend by striking out "day," in the first line, section 4, and insert "Tuesdays," which motion prevailed.

Mr. Russell moved to amend by inserting "whose names are," in fifth line, section 4, after the word "person," which motion prevailed.

Mr. Williams of Des Moines moved to amend by excepting "Fox Hounds."

Mr. Tracy moved to amend the amendment by including poodles.

The amendment to the amendment was lost.

The amendment was lost.

Mr. Joy moved to amend as follows: "Insert, after the word "days," in the fifth line, fourth section, the following, "upon which the taxes have not been paid," which motion prevailed.

Mr. Hale moved to strike out the word "destroying" in the sixth line of the fourth section and insert "killing," which motion prevailed.

The bill was ordered to be engrossed and read a third time.

Mr. Thomson moved that the rule be suspended and the bill be read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Belt, Bereman, Ben-

nett, Boomer, Brown of Decatur, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Close, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Finkbine, Flanders, Gaylord, Gary, Garrett, Godfrey, Goodrich, Graves, Hand, Holmes, Holden, Maxwell, McNutt, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Safely, Serrin, Sherman, Thacher, Thomson, Van Leuven, West, Wilcox, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—48.

The nays were Messrs. Alcorn, Ballinger, Barker, Bahl, Brown of Madison, Buck, Clark, Comfort, Fellows, Fry, Gamble, Garber, Glasgow, Hale, Joy, Knox, Linderman, Lowdon, Martin, McCullough, Mills, O'Brien, Russell, Ryan, Safely, Sipple, Tracy, Wright, Wilson of Dubuque, Williams of Des Moines—30.

Absent or not voting, Messrs. Barnes, Bolter, Brown of Louisa, Conway, DeForest, Griffith, Huggins, Knapp, Landes, Leffingwell, McPherson, McLaughlin, McKean, Joy, Sapp, Travis, Tisdale, Thorn and Walden—19.

So the bill did not receive a constitutional majority.

Mr. Safely moved that the vote by which the bill was lost be reconsidered, which motion prevailed.

Mr. McNutt moved a call of the House, which was ordered, and the roll was called.

Mr. Tracy moved that further proceedings under the call be suspended.

Mr. Finkbine moved that the motion be laid on the table, which motion was lost.

The motion to suspend proceedings under the call was lost.

Mr. Van Leuven moved that the House do now adjourn, which motion did not prevail.

Mr. Hale moved that further proceedings under the call be suspended, which motion prevailed.

The question recurring on the passage of the bill, the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Belt, Bereman, Bennett, Boomer, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Close, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Finkbine, Flanders, Gaylord, Gary, Garrett, Godfrey, Goodrich, Graves, Hand, Holmes, Holden, Maxwell, McNutt, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Safely, Serrin, Sherman, Thacher, Tisdale, Thomson, Van Leuven, West, Wilcox, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—50.

The nays were Messrs. Ballinger, Bahl, Brown of Madison, Buck, Clark, Comfort, Fellows, Fry, Gamble, Garber, Glasgow, Joy, Knox, Linderman, Lowdon, Martin, McCullough, Mills, O'Brien, Russell, Ryan, Sipple, Tracy, Wright, Wilson of Dubuque, Williams of Des Moines—27.

Absent or not voting, Messrs. Barnes, Barker, Bolter, Brown of

Decatur, Brown of Louisa, Conway, DeForest, Griffith, Huggins, Knapp, Landes, Leffingwell, McPherson, McLaughlin, McKean, Rogers, Sapp, Travis, Thorn, Walden—20.

So the bill passed and the title was agreed to.

Mr. Finkbine moved that the vote by which the bill passed be reconsidered.

Mr. Finkbine moved to lay the motion to reconsider on the table. The motion to lay upon the table prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has concurred in House amendments to Senate File 216.

G. P. ABEL, Ass't Clerk.

Mr. Tisdale, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House Files Nos. 314 and 265, find the same correctly enrolled, and present them for your signature.

Your Committee have presented to the Governor, for his signature, House Files 282, 177, 313, Sub. for House File 103, House Files 265, 314, they having been duly signed by the Speaker of this House and the President of the Senate.

G. J. TISDALE, Chairman.

PETITIONS.

Mr. Boomer presented a petition numerously signed by citizens of Delaware county, praying legislative action for the support of the Iowa Soldiers' Orphans' Home, which was referred to Committee on Orphans' Home.

Mr. Serrin presented a petition signed by numerous citizens of Iowa county, praying the General Assembly to memorialize Congress for a grant of land to the St. Louis & Cedar Rapids Railroad.

Referred to Committee on Railroads.

Mr. Hale moved that this House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, March 26, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Vernon.

Journal of Saturday read and approved.

Mr. Sapp moved that the motion to reconsider the vote by which the concurrent resolution fixing the time of adjournment of the General Assembly was adopted, be laid on the table.

The motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked :

Senate File No. 106, A bill for an act providing for the election of a clerk of the Supreme Court.

Senate File No. 107, A bill for an act providing for the election of a Reporter of the decisions of the Supreme Court.

Senate File No. 145, A bill for an act donating laws, legislative journals, reports and documents of the State of Iowa, to the library of Congress.

Senate File No. 214, A bill for an act to legalize the election and acts of the Independent District of Clinton City.

Senate File No. 215, A bill for an act to legalize the election held by the legal voters of the town of Morning Sun, Louisa county, Iowa, to form an independent school district and the official acts of the officers of said district.

Senate File No. 218, A bill for an act to amend an act entitled an act to incorporate the Board of Trustees of the Congregational Church and society of Burlington, approved February 12, 1844.

I am further directed to inform the House that the Senate has concurred in the House amendments to the following bills :

Senate File No. 118, A bill for an act providing for the adjustment of certain claims with the General Government.

Senate File No. 142, A bill for an act fixing the salaries of certain State officers.

Senate File No. 216, A bill for an act to provide for the payment of the bonds of the State maturing January 1, 1868, and the issue of State bonds to the permanent school fund.

I return herewith resolution of instruction to the Swamp Land Investigating Committee, the Senate having concurred therein.

JAMES M. WEART, Asst. Secretary.

Mr. Maxwell moved to reconsider the vote by which Senate File No. 184, A bill for an act to amend Section 1442, of the Revision of 1860, by adding thereto a provision in relation to imbecile or idiot persons, was passed.

Mr. McNutt moved that the motion be laid on the table, which motion did not prevail.

The motion to reconsider was adopted.

Mr. Maxwell moved to refer the bill to the Committee on Charitable Institutions with instructions to report Tuesday.

The motion prevailed.

Mr. Gary moved that House File No. 364, A bill for an act to provide for the refunding of certain monies to the 2d and 3d Regiments Iowa Infantry, be taken up and considered.

The motion prevailed.

SPECIAL ORDER.

The hour having arrived for the special order, House File No. 213, A bill for an act to ascertain the citizens entitled to the right of suffrage, and to prevent illegal voting, was taken up.

Mr. Glasgow moved that the special order be postponed until the bill under consideration was disposed of, which motion did not prevail.

Mr. Tracy moved to amend Section 1, third line by striking out after the word name, "and place of residence," and after the words of every, "resident," which motion did not prevail.

Mr. Wilson of Dubuque moved to amend Section 1, fourth line, by striking out after the word because, "by reason of age and residence." The motion prevailed.

Mr. Griffith moved to amend Section 1, third line, by striking out the word "will" after the word "or," and inserting "may." The motion prevailed.

Mr. Abbott moved to amend Section 3, seventh line, by striking out after the words "in a conspicuous" and insert "conspicuously," and after the words "place in his office," and inserting "at the place where the last election was held." The motion was lost.

Mr. Tracy moved to strike out Section 6. The motion did not prevail.

Mr. Van Leuven moved to amend Section 8, seventh line, by inserting after the word "of," "business or," which motion was lost.

Mr. Fellows moved to amend Section 8, fourth line, by striking out "his affidavit showing."

Mr. Conway moved to amend the amendment by striking out all of fourth line and part of the fifth line to the word "by." The amendment to the amendment was lost.

The amendment was lost.

Mr. Wilson of Dubuque moved to amend the fourth line by inserting after the word "affidavit," (or other proper evidence) and by adding the following proviso: "Provided that the judges of election may require the affidavit of such persons offering to vote."

Upon this question Mr. Fellows demanded the yeas and nays, which were as follows:

The yeas were Messrs. Alcorn, Ballinger, Barnes, Bahl, Bolter, Brown of Decatur, Buck, Comfort, Conway, Dashiell, Emery, Fellows, Gamble, Gaylord, Holmes, Lowdon, O'Brien, Sipple, Van Leuven, Wright, Wilson of Dubuque—21.

The nays were Messrs. Abernethy, Abbott, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Carbee, Close, Crawford, Darwin, DeForrest, Dudley, Dwelle, Finkbine, Flanders, Fry, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hand, Holden, Joy, Knox, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Traverse, Tisdale, Thompson, Thorn, Walden, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—63.

Absent or not voting, Messrs. Barker, Brown of Louisa, Burnett, Clark, Godfrey, Hale, Huggins, Knapp, Landes, Martin, Rodgers, Rohlf, Russell—13.

So the amendment did not prevail.

Mr. Sapp moved to amend the fourth line by inserting, after the word "showing," "that he is a qualified elector, and."

The motion prevailed.

Mr. Poindexter moved to amend by adding to 8th Sec. "which said affidavit shall be filed in the office of the township clerk," which motion prevailed.

Mr. Conway moved to strike out the word "proper," in the fourth line.

The motion did not prevail.

Mr. Ballinger moved to amend by striking out, in fourth line, all after the word "election," and inserting, "the evidence now required by law that such person is entitled to the privilege of an elector in the township where he claims the right to vote."

Upon the question of adopting the amendment, Mr. Fellows demanded the yeas and nays, which were as follows:

The yeas were Messrs. Alcorn, Ballinger, Bahl, Bolter, Brown of Decatur, Buck, Comfort, Emery, Fellows, Gamble, Lowdon, O'Brien, Sipple, Van Leuven, Wright, Wilson of Dubuque—16.

The nays were Messrs. Abernethy, Abbott, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Close, Conway, Crawford, Darwin, Dashiell, Dudley, Dwelle, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knox, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—67.

Absent or not voting, Messrs. Barnes, Barker, Brown of Louisa, Clark, DeForest, Hale, Huggins, Knapp, Landes, Martin, McLaughlin, Rogers, Rohlf, Russell—14.

So the amendment was lost.

Mr. Dudley moved the previous question, which was not seconded.

Mr. Sapp moved to amend by striking out, in Sec. 10, all after the word "who," in the first line, to "shall," in the second line, which was adopted.

Mr. Flanders moved to amend by striking out Sec. 12, and inserting the following, which motion did not prevail :

"Sec. 12. The township trustees and township clerk shall meet at the office of the township clerk on the first Monday in September, 1866, at 8 o'clock, A. M., and organize themselves into a board of registry, and shall proceed to make a list of the names of the qualified electors in their respective townships, as provided for in Sec. 3 of this act. For this purpose, they shall procure and have before them the poll-book of the previous general election, and in the absence of the assessor's list, as provided for in Sec. 1 of this act, they may add the names of any persons residing in the township whom they believe to be qualified electors. Within two days after the adjournment of the board, the township clerk shall make and cause to be posted up, three copies of the list, one of which shall be at the office of the township clerk, one at the principal post-office, if there be one in the township, and the third in some other conspicuous place in the township ; also, to cause a copy to be inserted in each of the newspapers published in the township. The clerk shall also give a sufficient warning to all electors in the township whose names are not on the said list, to appear before the board of registry on the first Monday in October, and cause their names to be recorded, either by posting up notices, or by publishing the same in the newspapers."

Mr. Van Leuven moved to lay the Bill on the table, and demanded the yeas and nays, which were as follows :

The yeas were Messrs. Alcorn, Ballinger, Barker, Bahl, Bolter, Brown of Decatur, Buck, Comfort, Dwelle, Emery, Fellows, Gamble, Gary, Holmes, Lowdon, Martin, O'Brien, Sipple, Van Leuven, Wright, Wilson of Dubuque—21.

The nays were Messrs. Abernethy, Abbott, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Burnett, Carbee, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Finkbine, Flanders, Fry, Gaylord, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holden, Joy, Knox, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Poindexter, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Walden, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—65.

Absent or not voting, Messrs. Barnes, Brown of Louisa, Clark, Hale, Huggins, Knapp, Landes, McKean, Rogers, Rohlf, Russell—11.

So the motion did not prevail.

The bill was ordered to be engrossed and read a third time.

Mr. Tracy moved that the House do now adjourn, which motion prevailed and the House adjourned.

2 O'CLOCK P. M.

House met pursuant to adjournment.

By leave, Mr. McNutt offered the following resolution and moved its adoption :

WHEREAS, A Joint Resolution passed both Houses, authorizing the Secretary of State to have printed on parchment the Joint Resolution passed by this General Assembly ratifying the Amendment to the United States Constitution abolishing slavery, with the names attached of members voting therefor; and

WHEREAS, The proviso attached to said resolution prevents the getting up of the same in proper shape; therefore be it

Resolved by the House of Representatives, the Senate concurring, That the said proviso be, and the same is hereby rescinded.

The resolution was lost.

Mr. Tisdale from Committee on Enrolled Bills presented the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills have examined Senate File Nos. 113 and 140, and Memorial and Joint Resolution asking Congress for a grant of lands to aid in the construction of a railroad from the northern terminus of the North Missouri Railroad to Cedar Rapids, which have been examined and found correctly enrolled by the Senate Committee, and I present them for your signature.

G. J. TISDALE, Chairman.

SPECIAL ORDER.

The special order for 11 A. M., House File No. 243, A bill for an act to accept the grant of land to the State of Iowa, made by an act of Congress of July 12, 1864, and to carry out the provisions of said act of Congress, approved July 12, A. D. 1864, entitled an act for a grant of land to the State of Iowa, in alternate sections to aid in the construction of a railroad in said State, was taken up and considered.

Mr. Abbott asked leave of absence for the remainder of the day, which was granted.

Mr. McNutt moved a call of the House, which was seconded.

The Clerk proceeded to call the roll.

Mr. McNutt moved that further proceedings under the call be dispensed with, which motion did not prevail.

On motion of Mr. Thomson, Mr. Rohlfis was excused.

Mr. Landes moved that further proceedings under the call be dispensed with, which motion prevailed.

The bill was ordered to be engrossed and read a third time.

Mr. Tisdale moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForrest, Dudley, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Graves, Hand, Holmes, Holden, Joy, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Olmstead, Poindexter, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—72.

The nays were Messrs. Bahl, Belt, Bolter, Carbee, Morgan, O'Brien, Wilson of Dubuque—7.

Absent or not voting, Messrs. Abbott, Barker, Brown of Louisa, Conway, Dwell, Glasgow, Griffith, Hale, Huggins, Knapp, Palmer, Rogers, Rohlfis, Sapp, Sipple, Van Leuven, Walden, Wright—18.

So the bill passed, and the title was agreed to.

By leave, Mr. Ballinger from a Select Committee presented the following report:

MR. SPEAKER:—Your Committee to whom was referred Senate File No. 134, have had the same under consideration and have instructed me to report the same back to this House with the recommendation that it do pass.

BALLINGER, Chairman.

The bill was ordered to be read a third time.

Mr. Ballinger moved that the rule be suspended and that Senate File No. 134, A bill for an act to amend Section 6 of Chapter 129 of the acts of the Tenth General Assembly, be read a third time. Carried.

The bill was read a third time and upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Alcorn, Ballinger, Bahl, Belt, Bereman, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Com

fort, Crawford, Darwin, Dashiell, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holden, Joy, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, O'Brien, Poindexter, Runyan, Russell, Ryan, Serrin, Sherman, Sipple, Travis, Tisdale, Thomson, Van Leuven, Walden, West, Wilcox, Wright Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—66.

The nays were Messrs. Abernethy, Barnes, Boomer, Close, DeForest, Dudley, McKean, Morgan, Olmstead, Sapp, Safely, Tracy, Thacher, Wilson of Dubuque, Wilson of Jackson,—15.

Absent or not voting, Messrs. Abbott, Barker, Bennett, Brown of Louisa, Conway, Dwelle, Garrett, Hale, Holmes, Huggins, Knapp, Leffingwell, Palmer, Rogers, Rohlf, Thorn—16.

So the bill passed and the title was agreed to.

SPECIAL ORDER.

House File No. 125, A bill for an act making further appropriations for the Asylum for the Blind, was ordered to be engrossed and read a third time.

Mr. Finkbine moved that the rule be suspended, and the bill be read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Emery, Fellows, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Graves, Griffith, Hale, Hand, Holmes, Joy, Knox, Landes, Linderman, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, Olmstead, Poindexter, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—67.

The nays were Messrs. Ballinger, Barnes, Brown of Decatur, Flanders, Lowdon, Martin, Sipple, Walden, Wright, Wilson of Dubuque—14.

Absent or not voting, Messrs. Abbott, Barker, Brown of Louisa, Conway, Dwelle, Gamble, Goodrich, Hale, Huggins, Knapp, Leffingwell, Palmer, Rogers, Rohlf, Thorn, Van Leuven—16.

So the bill passed and the title was agreed to.

Substitute for House File No. 144, A bill for an act providing

for the erection of a building for Adjutant General and Quarter master General's office and for an arsenal.

Mr. Sherman moved to amend by striking out the name, T. K. Brooks, and insert J. W. Cattell, which motion prevailed.

Mr. Dudley moved to amend by adding the following:

Provided, That the said corporators mentioned in this bill shall be liable to the State for the whole amount of said appropriation, if they fail to complete the building with said appropriation."

The amendment was lost."

Mr. Martin moved to amend by adding the following: "Strike out thirty thousand, and insert twenty-five thousand."

The motion did not prevail.

The bill was ordered to be read a third time.

Mr. Finkbine moved that the rule be suspended, and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Barnes, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Clark, Close, Darwin, Dashiell, DeForest, Finkbine, Flanders, Fry, Gary, Garber, Glasgow, Godfrey, Griffith, Hand, Holden, Holmes, Joy, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Olmstead, Palmer, Runyan, Russell, Ryan, Safely, Travis, Tisdale, Thomson, Thorn, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek, Mr. Speaker—47.

The nays were Messrs. Alcorn, Ballinger, Bahl, Belt, Bolter, Brown of Decatur, Brown of Winneshiek, Buck, Carbee, Comfort, Crawford, Dudley, Emery, Fellows, Garrett, Goodrich, Graves, Knox, Landes, Lowdon, Martin, McKean, Mills, Morgan, O'Brien, Serrin, Sherman, Sipple, Tracy, Thacher, Van Leuven, Walden, West, Wright, Wilson of Dubuque, Wilson of Marshall—36.

Absent or not voting, Messrs. Abbott, Barker, Brown of Louisa, Conway, Dwelle, Gamble, Gaylord, Hale, Huggins, Knapp, Poindexter, Rogers, Rohlf, Sapp—14.

So the bill did not receive a constitutional majority.

Mr. Sherman moved to reconsider the vote by which the bill was lost.

Mr. O'Brien moved that the motion be laid upon the table.

Mr. Dudley demanded the yeas and nays which were as follows:

The yeas were Messrs. Alcorn, Ballinger, Bahl, Belt, Bolter, Brown of Decatur, Brown of Winneshiek, Buck, Carbee, Comfort, Crawford, Emery, Fellows, Gamble, Knox, Landes, Lowdon, Martin, McKean, Morgan, O'Brien, Poindexter, Serrin, Sipple, Tracy, Van Leuven, Walden, West, Wright, Wilson of Dubuque, Wilson of Marshall—32.

The nays were Messrs. Abernethy, Barnes, Bereman, Bennett,

Boomer, Brown of Madison, Brown of Van Buren, Burnett, Clark, Close, Darwin, Dashiell, DeForest, Dudley, Finkbine, Flanders, Fry, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Olmstead, Palmer, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Travis, Tisdale, Thomson, Thorn, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winnesheik, Mr. Speaker—54.

Absent or not voting, Messrs. Abbott, Barker, Brown of Louisa, Conway, Dwelle, Gaylord, Hale, Huggins, Knapp, Rogers and Rohlf's—11.

So the motion to lay upon the table did not prevail.

The motion to reconsider prevailed.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Barnes, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Clark, Close, Crawford, Darwin, Dashiell, DeForest, Finkbine, Flanders, Fry, Gaylord, Gary, Garber, Glasgow, Godfrey, Graves, Griffith, Hand, Holmes, Holden, Joy, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Olmstead, Palmer, Poindexter, Runyan, Russell, Ryan, Sapp, Safely, Sherman, Travis, Tisdale, Thomson, Thorn, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winnesheik, and Mr. Speaker—55.

The nays were Messrs. Alcorn, Ballinger, Bahl, Bolter, Brown of Decatur, Brown of Winnesheik, Buck, Carbee, Comfort, Dudley, Emery, Fellows, Gamble, Garrett, Goodrich, Knox, Landes, London, Martin, McKean, Morgan, O'Brien, Serrin, Sipple, Tracy, Thacher, Van Leuven, Walden, West, Wright, Wilson of Dubuque, Wilson of Marshall—32.

Absent or not voting, Messrs. Abbott, Barker, Brown of Louisa, Conway, Dwelle, Hale, Huggins, Knapp, Rogers, Rohlf's—10.

So the bill passed, and the title was agreed to.

House File No. 249, "A bill for an act making appropriations to complete and repair the buildings of the State University," was considered.

The bill was ordered to be read a third time.

Mr. Finkbine moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Belt, Bereman, Bennett, Boomer, Brown of Madison, Burnett, Close, Crawford, Darwin, DeForest, Emery, Finkbine, Fry, Gamble, Gaylord, Glasgow, Godfrey, Goodrich, Graves, Hale, Holmes, Holden, Joy, Leffingwell,

Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Poindexter, Runyan, Russell, Ryan, Sherman, Tracy, Tisdale, Thomson, Thorn, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winnesheik, and Mr. Speaker—46.

The nays were Messrs. Alcorn, Ballinger, Barnes, Bahl, Bolter, Brown of Decatur, Brown of Van Buren, Brown of Winnesheik, Buck, Carbee, Comfort, Dashiell, Dudley, Fellows, Flanders, Gary, Garrett, Garber, Griffith, Knox, Landes, Lowdon, Martin, McKean, Safely, Serrin, Sipple, Thacher, Travis, Van Leuven, Walden, West, Wright, Wilson of Dubuque, Wilson of Marshall—38.

Absent or not voting, Messrs. Abbott, Barker, Brown of Louisa, Clark, Conway, Dwelle, Hale, Huggins, Knapp, Palmer, Rogers, Rohlf, Sapp—13.

So the bill was lost for want of a constitutional majority.

Mr. Gamble moved to reconsider the vote by which the bill was lost.

Mr. Finkbine moved a call of the House, which was ordered.

The Clerk proceeded to call the roll.

Mr. Landes moved that further proceedings under the call be dispensed with, which motion prevailed.

Mr. Martin moved that the House do now adjourn, which motion did not prevail.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Barnes, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Clark, Close, Crawford, Darwin, Dashiell, DeForest, Emery, Finkbine, Flanders, Fry, Gamble, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Palmer, Poindexter, Runyan, Russell, Ryan, Sapp, Sherman, Tracy, Tisdale, Thomson, Thorn, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winnesheik, Mr. Speaker—56.

The nays were Messrs. Alcorn, Ballinger, Bahl, Bolter, Brown of Decatur, Brown of Winnesheik, Buck, Carbee, Comfort, Dudley, Fellows, Garrett, Knox, Landes, Lowdon, Martin, McKean, O'Brien, Safely, Serrin, Sipple, Thacher, Travis, Van Leuven, Walden, West, Wright, Wilson of Dubuque, Wilson of Marshall—29.

Absent or not voting, Messrs. Abbott, Barker, Brown of Louisa, Conway, Dwelle, Gaylord, Gary, Hale, Huggins, Knapp, Rogers, Rohlf—12.

So the bill passed, and the title was agreed to.

Mr. Fry submitted the following report:

MR. SPEAKER:—Your Committee on Engrossed Bills have examined House File No. 213, "A bill for an act to ascertain the

citizens entitled to the right of suffrage, and to prevent fraudulent voting," and find the same correctly engrossed.

G. C. FRY,

Member Com. on Engrossed Bills.

Mr. Palmer asked leave of absence for the remainder of the session, which was granted.

Mr. Williams, of Winnesheik, asked leave of absence for Mr. Brown, of Winnesheik, for the remainder of the session after tomorrow, which was granted.

PETITIONS.

Mr. Barnes presented four petitions from the citizens of Mahaska county, numerous signed, praying legislative action for the maintenance of the Iowa Soldiers' Orphans' Home, which was referred to a special committee of which Mr. Darwin is Chairman.

Mr. Emery moved that the House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, } DES MOINES, March 27, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. J. M. Phillips.

Journal of yesterday read and approved.

By leave Mr. Finkbine offered the following resolution, which was adopted:

Resolved by the House of Representatives, the Senate concurring,
That the Secretary of State be instructed to retain a sufficient amount of the postage allowed to the members of this General Assembly to pay to the Post Master at Des Moines for the amount due on newspapers subscribed for and received by said members.

Mr. Van Leuven asked leave to record his vote on the Geological Survey bill, which was granted.

Mr. Gamble asked leave to record his vote on the Blind Asylum bill, which was granted.

REPORTS OF COMMITTEES.

Mr. Wilcox, from the Committee on Commerce, submitted the following reports:

The Committee on Commerce, to whom was referred the accompanying resolution of the Supervisors of Jackson County, asking

that the Maquoketa river be declared not a navigable stream, have had the same under consideration and directed me to report the same back to the House, and recommend that its further consideration by this House be indefinitely postponed. They make this recommendation at the request of the members who introduced this resolution, and of other members of the same District.

P. C. WILCOX, Chairman.

The report was concurred in.

The Committee on Banks, to whom was referred House File No. 171, being a bill for an act to retire the circulation of bank notes of the State Bank of Iowa, have had the same under consideration, and instructed me to report the same back to this House together with a substitute, and recommend that the substitute do pass.

P. C. WILCOX, Chairman.

Mr. Glasgow, from the Committee on Military Affairs, submitted the following reports:

Your Committee on Military Affairs have had the resolution asking for a change in the United States pension law under consideration, and believing that the change asked for would be detrimental to the interest of all parties concerned, have instructed me to report the resolution back to the House with the recommendation that it be indefinitely postponed.

S. L. GLASGOW, Chairman.

Your Committee on Military Affairs have had under consideration the Joint Resolution relating to Colonel Shaw, late of the 14th Iowa Infantry, and knowing the Colonel to have been a gallant and efficient officer while in the service, would not in any way detract from his well earned reputation, but do not deem it just to the many other meritorious officers Iowa has furnished during the war of the Great Rebellion, that Colonel Shaw should be made a specialty as contemplated by the resolution. The order dishonorably discharging him from the service has been rescinded by the proper authority, thereby vindicating his military character and placing him on the same footing with other efficient officers from the same State of equal rank, and no more deserving of complimentary resolutions at the hands of the General Assembly than they. Your Committee, therefore, recommend that the resolution be indefinitely postponed.

GLASGOW, Chairman.

Your Committee on Military Affairs have had under consideration the Joint Resolution relating to the capture of the rebel General Marmaduke by James Dunlavy, and believing that such discrimination by the General Assembly would be unjust to thousands of other noble and deserving soldiers from the State, have instructed me to report the resolution back to the House with the recommendation that it be indefinitely postponed.

GLASGOW, Chairman.

Mr. Godfrey from the Committee on Charitable Institutions submitted the following report:

Your Committee to whom was referred substitute for Senate File No. 184, have had the same under consideration and instructed me to report the same back to the House with the following amendment: Insert after the word "Iowa" in the twelfth line "approved by order of the Board of Supervisors," and strike out in the thirteenth line after the word satisfied "from the certificate of the Clerk of the Board of Supervisors where the idiot or imbecile resides," and when so amended that the bill be put upon its passage.

GODFREY, Chairman.

Mr. McNutt from the Committee on Printing submitted the following report:

MR. SPEAKER:—The Committee on Printing to whom was referred Senate File No. 81, entitled a bill for an act to amend Section 2, of Chapter 115, of the laws of the Tenth General Assembly relative to printing the delinquent tax list, have had the same under consideration and instructed me to report the same back without amendment and recommend its passage.

SAMUEL McNUTT, Chairman.

Mr. Tracy from the Committee on Suppression of Intemperance submitted the following report:

MR. SPEAKER:—The Committee on the Suppression of Intemperance ask leave to report back to the House numerous petitions and remonstrances in regard to the liquor traffic, and recommend that they be laid on the table.

L. D. TRACY, Chairman.

Mr. Bennett from the Committee on Hospital for the Insane offered the following resolution which was adopted:

Be it resolved by the General Assembly of the State of Iowa, That Maturin L. Fisher of Clayton county, John R. Needham of Mahaska county, and Benjamin Crabb of Washington county, be and the same are hereby appointed Trustees of the Hospital for the Insane for the full term from July 4, 1866.

Resolved, That A. W. McClure of Henry county, be and he is hereby appointed Trustee of the Hospital for the Insane until July 4, 1870, to fill a vacancy.

Resolved, That John R. Needham of Mahaska county, be and he is hereby appointed Trustee of the Hospital for the Insane until July 4, 1866, to fill a vacancy.

MESSAGES FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that that the Senate has passed the following bills, in which the concurrence for the House is asked.

Substitute for Senate File Nos. 52 and 61, A bill for an act pro-

viding for the sale of lands for taxes to the highest bidder, and to limit the time for tax liens.

Senate File No. 115, A bill for an act to amend Section 2564, of the Revision of 1860, relating to guardians of non-resident minors.

Senate File No. 217, A bill for an act to provide for the settlement of certain claims against the General Government.

Substitute for Senate File No. 121, A bill for an act authorizing and regulating the sale and lease of the lands belonging to the Iowa State Agricultural College.

Senate File No. 222, A bill for an act to legalize the record of certain deeds and conveyances in Lee county, and to provide for the recording at Fort Madison of all such instruments affecting lands in those parts of Township 67, North Range 4 West, and the East half of Township 67, North Range 5 West, which are upon the half-breed tract.

House File No. 209, A bill for an act relating to the Adjutant General's Report for 1867, with amendments as follows, viz.: Amend the title by striking out the words "relating to" and inserting "providing for the publication and distribution of the." Amend Section 3, by striking out the words "at Cedar Falls and at Davenport."

House File No. 140, A bill for an act to credit the County of Story with certain monies, with amendments as follows, viz.: By striking out of Section 1, the tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth lines. Also part of line twenty-two, and all of lines twenty-three and twenty-four, and inserting at the end of the section the words "the sum aforesaid is the pro rata amount due to the fund above mentioned."

Substitute for House File No. 215, A bill for an act providing for the completion of the Geological Survey of the State of Iowa with amendments as follows, to-wit: By adding at the end of Section 1, the following:

"All the specimens of Minerals, fossils, rocks, soils, coals, ores, or other geological or mineral substances of any value or interest to either the practical or amateur geologist, and any drawings or sketches of the same obtained or made by said State geologist as well as the copy-rights of the reports, and all books printed therefrom shall belong to the State; and no specimens, copy, draft or part of the same shall be given away or sold, or permitted to be carried away contrary to the provisions of this act. And the State Geologist, or any of his assistants or employees or any other person, who shall violate any provision of this section, shall be deemed guilty of a misdemeanor.

By inserting in the seventh line of Section 4, after the words "General Assembly," the following:

"That the Geologist shall, as far as practicable, use such words in his report, as we in common use, and that he shall accompany each volume of his report with a glossary."

And by adding at the end of Section 5, the words "and the medical college at Keokuk."

JAMES M. WEART, Ass't. Secretary.

SENATE MESSAGES.

Senate File No. 215, A bill for an act to legalize the election held by the legal voters of the town of Morning Sun, Louisa county, Iowa, was read a first and second time and ordered to be read a third time.

Mr. Finkbine moved that the rule be suspended and the bill read a third time now. The motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Gaylord, Garrett, Garber, Glasgow, Godfrey, Graves, Griffith, Hand, Holmes, Holden, Joy, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Ryan Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams Winneshiek, Mr. Speaker—83.

The nays were, Mr. Dashiell.

Absent or not voting, Messrs. Barker, Clark, Goodrich, Hale, Huggins, Knapp, Knox, Martin, Holmes, Rogers, Russell, Thomson, Walden—13.

So the bill passed and the title was agreed to.

Senate File No. 214, A bill for an act to legalize the election and acts of the Independent School District of Clinton City, Iowa, was read a first and second time.

The bill was ordered to be read a third time.

Mr. Finkbine moved that the rule be suspended, and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Crawford, Darwin, Dashiell,

Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—77.

In the negative, Mr. Travis—1.

Absent or not voting, Messrs. Ballinger, Barker, Bolter, Brown of Louisa, Clark, Conway, DeForest, Dudley, Gamble, Huggins, Knapp, Knox, Martin, McPherson, Palmer, Rogers, Walden and Mr. Speaker—19.

So the bill passed and the title was agreed to.

Senate File No. 107, A bill for an act to provide for the election of a Reporter of the Supreme Court, was read a first and second time.

Mr. Sapp moved that the bill be referred to the Committee on Judiciary.

Mr. Finkbine moved to amend to refer with instruction to report back by to-morrow.

The hour having arrived for the consideration of the special order, House File No. 316, Mr. McNutt moved that the special order be postponed until after the consideration of the bill now before the House.

On this question, Messrs. Poindexter and McNutt demanded the yeas and nays, which were as follows:

The yeas were Messrs. Alcorn, Barnes, Bahl, Belt, Boomer, Bolter, Brown of Decatur, Brown of Winneshiek, Close, Comfort, DeForest, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Graves, Holmes, Knox, Landes, Linderman, Lowdon, McPherson, McNutt, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Russell, Safely, Serrin, Sipple, Tracy, Thomson, Thorn, Van Leuven, West, Wright, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—48.

The nays were Messrs. Abernethy, Abbott, Ballinger, Bereman, Bennett, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Flanders, Glasgow, Godfrey, Goodrich, Griffith, Hale, Hand, Holden, Joy, Leffingwell, Maxwell, McCullough, Runyan, Ryan, Sapp, Sherman, Thacher, Travis, Tisdale, Wilson of Dubuque, Wilson of Marshall—37.

Absent or not voting, Messrs. Barker, Brown of Louisa, Clark, Conway, Huggins, Knapp, Martin, Palmer, Rogers, Walden, Wilcox, Mr. Speaker—12.

So the motion to postpone prevailed.

Mr. Goodrich moved the previous question.

Mr. McNutt moved a call of the House, which was ordered, and the Clerk proceeded to call the roll.

Mr. Brown of Decatur moved that further proceedings under the call be suspended, which motion prevailed.

The previous question was seconded.

The Speaker deciding the main question to be, "Shall the bill be read a third time?"

Mr. Fellows appealed from the decision of the Chair.

The decision of the Chair was sustained.

The question, "Shall the main question be now put?" was decided in the affirmative.

The bill was ordered read a third time.

Mr. McNutt moved that the rule be suspended, and the bill read a third time now.

On this question Messrs. Bennett and Joy demanded the yeas and nays, which were as follows;

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Bahl, Belt, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Winneshiek, Buck, Carbee, Close, Comfort, Crawford, DeForest, Dudley, Dwelle, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garber, Goodrich, Graves, Hand, Holmes, Knox, Landes, Leffingwell, Maxwell, McPherson, McNutt, McLaughlin, McKean, Mills, Morgan, O'Brien, Poindexter, Rohlf, Runyan, Russell, Safely, Serrin, Sipple, Tracy, Tisdale, Thomson, Thorn, Van Leuven, West, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—60.

The nays were Messrs. Abbott, Bennett, Brown of Van Buren, Burnett, Conway, Darwin, Dashiell, Emery, Garrett, Glasgow, Godfrey, Griffith, Hale, Holden, Joy, Linderman, Lowdon, Martin, McCullough, Ryan, Sapp, Sherman, Thacher, Travis, Wilcox, Wilson of Dubuque, Mr. Speaker—27.

Absent or not voting, Messrs. Barker, Brown of Louisa, Brown of Madison, Clark, Huggins, Knapp, Olmstead, Palmer, Rogers, Walden—10.

So the motion prevailed.

The bill was read a third time.

Mr. Van Leuven moved the previous question, which was seconded and the main question ordered.

Upon the question shall the bill pass, the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Alcorn, Barnes, Bahl, Belt, Bereman, Boomer, Bolter, Brown of Winneshiek, Buck, Carbee, Clark, Close, Comfort, Crawford, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garber, Goodrich, Graves, Hand, Holmes, Knox, Landes, Leffingwell, McPherson, McNutt, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Russell, Serrin, Sipple, Tracy, Tisdale, Thomson, Thorn, Van Leuven, West, Wright, Williams

of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—57.

The nays were Messrs. Abbott, Ballinger, Bennett, Brown of Decatur, Brown of Van Buren, Burnett, Conway, Darwin, Dashiel, Flanders, Glasgow, Godfrey, Griffith, Hale, Holden, Joy, Linderman, Lowdon, Martin, McCullough, O'Brien, Ryan, Sapp, Safely, Sherman, Thacher, Travis, Wilson of Dubuque, Mr. Speaker—29.

Absent or not voting, Messrs. Barker, Brown of Louisa, Brown of Madison, Garrett, Huggins, Knapp, Maxwell, Palmer, Rogers, Walden, Wilcox—11.

So the bill passed, and the title was agreed to.

Mr. McNutt moved to reconsider the vote by which the bill was passed.

Mr. Van Leuven moved that the motion to reconsider be laid on the table, which motion prevailed.

Mr. Sapp moved to further postpone the special order. The motion prevailed.

Senate File No. 106, A bill for an act to provide for the election of a clerk to the Supreme Court, was read a first and second time.

Mr. Sherman moved the previous question, which was seconded.

The main question was ordered.

The bill was ordered to be read a third time.

Mr. Burnett moved that the rule be suspended, and the bill be read a third time now.

Mr. Russell moved to reconsider the vote by which the bill was ordered to be read a third time, which motion prevailed.

Mr. Finkbine moved to amend by striking out the word "two" and inserting "four." The amendment prevailed.

Mr. Finkbine moved that the bill be read a third time, which motion prevailed.

Mr. Tracy moved that the rule be suspended and the bill read a third time now. The motion prevailed.

The bill was read a third time.

Upon the question "shall the bill pass," the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Dashiel, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Godfrey, Graves, Hand, Holmes, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Tracy, Tisdale, Thomson, Van Leuven, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—70.

The nays were Messrs. Abernethy, Ballinger, Barnes, Conway, Darwin, Glasgow, Griffith, Hale, Holden, Joy, Sherman, Sipple, Thacher, Travis, Mr. Speaker—15.

Absent or not voting, Messrs. Barker, Brown of Louisa, Goodrich, Huggins, Knapp, Martin, Palmer, Rogers, Thorn, Walden, West, Wilcox—12.

So the bill passed and the title was agreed to.

Mr. Glasgow asked leave of absence for Mr. Walden, which was granted.

Mr. Van Leuven moved that the House do now adjourn, which motion prevailed and the House adjourned.

2 O'CLOCK P. M.

The House met pursuant to adjournment.

The special order for 10 o'clock, A. M. House File No. 316, A bill for an act to provide for due reference and publication of a proposal to amend the Constitution of the State of Iowa, together with the resolution of Mr. Hand, was taken up and considered.

The resolution was lost.

By leave, Mr. Darwin from the special Committee to whom was referred sundry matters relative to the Orphans' Home, submitted the following report:

MR. SPEAKER:—The special Committee composed of Darwin, Glasgow, Fry, Wilson, Burnett and Clark, to whom was referred Senate File No. 186, have considered the same and herewith report the same back with a substitute and recommend that the substitute do pass.

DARWIN, Chairman.

Mr. Abernethy moved that the bill be made a special order for Thursday, 10 o'clock A. M., and ordered printed, which motion prevailed.

MESSAGE FROM THE SENATE.

Mr. Finkbine moved that Senate File No. 2197, A bill for an act to provide for the settlement of certain claims against the General Government, be taken up and considered.

The motion prevailed and the bill was read a first and second time.

Mr. Finkbine moved to amend Section 3 by striking out "not exceeding one hundred and eighty days," which motion prevailed.

Mr. Finkbine moved to amend by adding the following section:

"The Adjutant General is hereby required to furnish the Commissioner, with any information also, copies of any papers in his office that in the opinion of said Commissioner will facilitate said settlement. The Governor and Auditor of State shall deliver

to such Commissioner all vouchers and papers in their hands relative to these claims," which motion prevailed.

Mr. McKean moved to amend by striking out \$5,00 per day, and insert \$4,00 per day.

The motion did not prevail.

Mr. Goodrich moved to amend the first and third Sections by striking out the words "as well as," and insert "also," which motion prevailed.

The bill was ordered to be read a third time.

Mr. Fry moved to amend by adding, provided the State Commissioner shall receipt to the Governor and Auditor of State, which amendment was adopted by unanimous consent.

Mr. Finkbine moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass," the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Belt, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knox, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poin Dexter, Rohlf, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thatcher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—81.

The nays were none.

Absent or not voting, Messrs. Ballinger, Barker, Bereman, Brown of Lonisa, Godfrey, Hale, Huggins, Knapp, Landes, Martin, Palmer, Rogers, Ryan, Walden, Wilson of Dubuque—16.

So the bill passed, and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bills, in which the concurrence of the House is asked :

Senate File No. 223, A bill for an act making appropriations for the payment of State and Judicial officers, interest on State bonds and loans, and for other purposes.

Senate Substitute for House File, No. 272, A bill for an act to

legalize the acts of the Board of Supervisors of Harrison county, in conveying certain swamp lands to soldiers as bounties.

I return herewith substitute for House File No. 127, A bill for an act to amend an act to change and fix the time of holding courts in the Seventh Judicial District, it having passed the Senate with amendment.

JAMES M. WEART,

Assistant Secretary.

Senate File No. 218, A bill for an act to amend an act entitled an act to incorporate the Board of Trustees of the Congregational Church and Society of Burlington, was read a first and second time.

The bill was ordered to be read a third time.

Mr. Darwin moved that the rule be suspended, and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "shall the bill pass" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bahl, Belt, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Close, Crawford, Darwin, DeForrest, Dudley, Dwelle, Emery, Finkbine, Flanders, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Joy, Knox, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, West, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—65.

The nays were Messrs. Comfort, Dashiell, Holden, Lowdon, Martin, Safely, Van Leuven—8.

Absent or not voting, Messrs. Ballinger, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Winneshiek, Clark, Conway, Fellows, Fry, Gamble, Gaylord, Hale, Huggins, Knapp, Landes, Palmer, Rogers, Ryan, Sapp, Sipple, Thorn, Walden, Wilson of Dubuque—24.

So the bill passed and the title was agreed to.

BILLS ON THIRD READING.

House File No. 213, "A bill for an act to ascertain the citizens entitled to the right of suffrage, and to prevent fraudulent voting," was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Barnes, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Finkbine,

Flanders, Fry, Gaylord, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holden, Joy, Knox, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—68.

The yeas were Messrs. Alcorn, Barker, Bahl, Bolter, Brown of Decatur, Buck, Comfort, Emery, Fellows, Gamble, Gary, Lowdon, Martin, O'Brien, Sipple, Van Leuven, Wright—17.

Absent or not voting, Messrs. Ballinger, Brown of Louisa, Hale, Holmes, Huggins, Knapp, Landes, Palmer, Ryan, Rogers, Walden, Wilson of Dubuque—12.

So the bill passed and the title was agreed to.

SENATE MESSAGES.

Senate File No. 145, A bill for an act donating laws, legislative Journals, reports and documents to the library of Congress, was read a first and second time.

The bill was ordered to be read a third time.

Mr. Tisdale moved that the rule be suspended and the bill read a third time now, which motion prevailed.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holden, Joy, Knox, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—77.

Absent or not voting, Messrs. Ballinger, Barker, Bolter, Brown of Louisa, Clark, Comfort, Dudley, Flanders, Hale, Holmes, Huggins, Knapp, Landes, Palmer, Rogers, Ryan, Sapp, Sipple, Thorn, Walden, Wilson of Dubuque,—20.

So the bill passed and the title was agreed to.

Senate File No. 222, A bill for an act to legalize the records of certain deeds and conveyances in Lee county, and to provide for the recording at Fort Madison, was read a first and second time.

The bill was ordered read a third time.

Mr. Lowdon moved that the rule be suspended and the bill be read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Dashiell, DeForrest, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knox, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, O'Brien, Poindexter, Rohlf, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—78.

In the negative, Mr. Dudley—1.

Absent or not voting, Messrs. Abernethy, Ballinger, Brown of Louisa, Darwin, Glasgow, Hale, Huggins, Knapp, Landes, Morgan, Olmstead, Palmer, Rogers, Ryan, Thomson, Thorn, Walden, Wilson of Dubuque—18.

So the bill passed, and the title was agreed to.

Senate File No. 115, A bill for an act to amend Section 2564, of the Revision of 1860, was read a first and second time and referred to the Committee on Judiciary.

Substitute for Senate Files No. 52, and 61, A bill for an act providing for the sale of lands for taxes to the highest bidder, and to limit the time for tax liens, was read a first and second time and referred to the Committee on Judiciary.

Substitute for Senate File No. 121, A bill for an act authorizing and requiring the sale and lease of bonds belonging to the Iowa State Agricultural College, was read a first and second time.

The bill was ordered to be read a third time.

Mr. Maxwell moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barker, Bahl, Belt, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Brown of Winneshiek, Buck, Carbee, Close, Comfort, Conway, Dashiell, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knox, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Rohlf, Runyan,

Russell, Ryan, Safely, Serrin, Sherman, Tracy, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winnesheik, Mr. Speaker—66.

The nays were Messrs. Crawford, Fellows, Lowdon, Martin, Van Leuven—5.

Absent or not voting, Messrs. Ballinger, Barnes, Burnett, Brown of Louisa, Brown of Madison, Burnett, Clark, Darwin, DeForest, Godfrey, Hale, Huggins, Knapp, Landes, McKean, Palmer, Poindexter, Rogers, Sapp, Sipple, Thacher, Travis, Walden, Wilson of Dubuque, Wright and Wilson of Marshall—26.

So the bill passed, and the title was agreed to.

Mr. Tisdale, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—The Senate Committee on Enrolled Bills have examined and found correctly enrolled Senate File No. 112, "An act relating to accounts in the office of Auditor of State and Treasurer of State," and Senate File No. 142, "An act fixing the salaries of certain State officers," and I present them for your signature.

G. J. TISDALE.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed a resolution relative to the purchase of three hundred copies of "Iowa Regiments and Colonels," in which the concurrence of the House is asked.

JAS. M. WEART, Ass't Sec'y.

Senate File No. 223, "A bill for an act making appropriations for the payment of the State and judicial officers," was read a first and second time, and referred to Committee on Ways and Means.

Upon the question of concurring in the Senate amendments to House File No. 140, "A bill for an act to credit Story county with certain sums of money," the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForrest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlfis, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Thompson, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—84.

The nays were none.

Absent or not voting, Messrs. Ballinger, Brown of Louisa, Gaylord, Garrett, Hale, Huggins, Landes, Palmer, Rodgers, Tisdale, Walden, Wilson of Dubuque—13.

So the Senate amendments were concurred in.

Upon the question of concurring in the Senate amendments to House File No. 209, "A bill for an act relating to Adjutant General's Report for 1867," the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knox, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Thacher, Travis, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—84.

The nays were none.

Absent or not voting, Messrs. Ballinger, Brown of Louisa, Garrett, Hale, Huggins, Knapp, Landes, Palmer, Rogers, Tracy, Tisdale, West, Wilson of Dubuque—13.

So the Senate amendments were concurred in.

Upon the question of concurring in the Senate amendments to House File No. 215, "A bill for an act providing for the completion of the geological survey of the State of Iowa," the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Belt, Bereman, Bennett, Bolter, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Gamble, Gaylord, Garrett, Glasgow, Godfrey, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knox, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Poindexter, Runyan, Ryan, Sapp, Safely, Sherman, Sipple, Thacher, Travis, Tisdale, West, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—73.

The nays were Messrs. Barnes, Boomer, Close, Fry, Garber, Goodrich, Olmstead, Rohlf, Russell, Serrin, Thomson, Thorn, Van Leuven, Wilcox—15.

Absent or not voting, Messrs. Brown of Decatur, Brown of Louisa, Huggins, Knapp, Landes, Palmer, Rogers, Walden, Wilson of Dubuque—9.

So the Senate amendments were concurred in.

The Senate joint resolution relating to the purchase of 300 copies of Capt. Stewart's Iowa Regiments and Colonels, was considered.

Mr. Thorn offered the following amendment:

Amend by adding 300 copies of L. D. Ingersoll's history of Iowa troops, and 300 copies of A. P. Wood's history of the Iowa troops.

Mr. Glasgow moved a call of the House, which motion did not prevail.

Mr. Holden offered the following amendment:

"Also 300 copies Brown's Poems of the Prairies; 300 copies of Greeley's Conflict; 300 Helper's Impending Crisis."

Lost.

Mr. Flanders moved that the resolution be referred to the Committee on Claims.

Mr. West moved that the resolution be laid on the table.

Mr. Gamble demanded the yeas and nays, which were as follows:

The yeas were Messrs. Bahl, Belt, Bereman, Boomer, Brown of Van Buren, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, Dwelle, Flanders, Gaylord, Garrett, Goodrich, Graves, Griffith, Hand, Holden, Maxwell, Mills, Poindexter, Rohlf, Runyan, Serrin, Thacher, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winnesheik, Mr. Speaker—38.

The nays were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bennett, Brown of Decatur, Brown of Winnesheik, Buck, Burnett, Conway, DeForest, Dudley, Emery, Fellows, Finkbine, Fry, Gamble, Gary, Garber, Glasgow, Hale, Holmes, Joy, Knox, Linderman, Lowdon, Martin, McPherson, McNutt, McCullough, McLaughlin, McKean, Morgan, O'Brien, Olmstead, Ryan, Sapp, Safely, Sherman, Tracy, Travis, Wright, Wilson of Marshall—44.

Absent or not voting, Messrs. Barnes, Brown of Louisa, Bolter, Brown of Madison, Godfrey, Huggins, Knapp, Landes, Leffingwell, Palmer, Rogers, Russell, Sipple, Walden, Wilson of Dubuque—15.

So the motion to lay on the table was lost.

Mr. Van Leuven moved to amend the motion to refer by adding the following instructions, viz: "That the committee bring in an amendment that the members of this General Assembly pay for the books *pro rata*."

The amendment was lost.

The motion to refer was lost.

The amendment to the amendment was lost.

Mr. Gamble moved to strike out so much as relates to A. C. Wood's book.

Mr. Sapp moved that the House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, March 28, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Rev. Mr. McCague.

Journal of yesterday read and approved.

Mr. Sapp asked to be excused for the day, which was granted.

REPORTS OF COMMITTEES.

Mr. McNutt, from the Committee on Printing, reported the following bill :

House File No. 319, A bill for an act to authorize the reprinting of the census reports of 1865, which was read a first and second time, and passed on file.

Mr. Williams of Des Moines submitted the following report :

The Special Committee of Surveyors, to whom Senate File No. 21 was referred, have instructed me to report the same back to the House with an amendment, and recommend its passage.

J. WILLIAMS.

Mr. Alcorn submitted the following report :

MR. SPEAKER :—The undersigned, being a majority of the Special Committee, to whom was referred House File No. 309, A bill for an act to legalize certain acts of the Board of Supervisors of Webster county, with a petition and remonstrance from the citizens of said county on the subject, having had the same under consideration, ask to submit the following report : Webster county had paid bounties to soldiers enlisting in the army from that county at three different times, as follows : 1st, \$50 ; 2d, \$100 ; 3d, \$800 ; the latter being for 12-month's men, while a number who entered the service from that county at the commencement of the war received no local bounty whatever. At the meeting of the Board of Supervisors of said county, in September, 1865, it was unanimously by said Board submitted to the vote of the county, at the general election following, whether a tax of \$30,000 should be levied to equalize, as far as \$30,000 would, the bounties among them, which proposition was carried in the affirmative by a large majority. Your committee are satisfied that a very large majority of the tax-payers of said county are in favor of the collection of said taxes ; that a portion has already been collected, and that the Legislature by legalizing the levy will save the county a vast amount of trouble and litigation. They feel that it is but just to brave men, who rallied at the call of their country in 1861, and endured all the hardships of three year's service, and whose property was taxed to pay these large bounties, that they should be allowed to receive this partial recompense, as it is offered to them

by a majority of the tax-payers of the county. Your committee are of the opinion that if this county were able to pay \$100 for twelve month's service, to save the precious carcasses of a few sneaks from the draft, that they can with a good deal more propriety give this pittance to the wives and orphan children of the men, who, from patriotism alone, sacrificed their lives for that purpose.

Your committee therefore recommend that the bill pass, and ask to be discharged from further consideration of the subject.

ALCORN, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate.

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills, in which the concurrence of the House is asked :

Senate File No. 224, A bill for an act to amend Article 2, of Chapter 59, of the Revision of 1860, relating to the appointment of Stewart of the Hospital for the Insane.

House File No. 125, A bill for an act making further appropriation for the Asylum for the Blind with amendments as follows, viz: Add to Section 1, the words "for the blind." Strike out of Section 5, the words "Daily Iowa Statesman" and insert "Vinton Eagle."

I am further directed to inform your honorable body that the Senate has concurred in all of the amendments to Senate File No. 217, A bill for an act to provide for the settlement of certain claims against the General Government," except that to Section 3, striking out the words "for not exceeding one hundred and eighty days," and in that the Senate refuse to concur.

Also that the Senate has passed the House Joint Resolution appointing Trustees of the Hospital for the Insane, with the following amendment, striking out the words "Benjamin Crabb of Washington" and inserting the words "A. H. McCrary of Van Buren," in which the concurrence of the House is asked.

Also Joint Resolution relative to the distribution of the Adjutant General's Reports to United States Examining Surgeons with the following amendment, viz.: By adding thereto the words "provided it will not require a report, and provided further, that in distributing said Reports preference shall be given to those Surgeons who are not already supplied by law." In which the concurrence of the House is asked.

A am also directed to inform your Honorable body that the Senate has concurred in the House amendment to Senate File No. 106, A bill for an act to elect a Clerk of the Supreme Court.

JAMES M. WEART, Ass't Secretary.

Mr. Runyan from the Committee on County and Township Organization submitted the following report:

MR. SPEAKER:—Your Committee on Township and County Organization to whom was referred sundry petitions and remonstrances herewith return the same to the House.

A. RUNYAN, Chairman.

Your Committee on County and Township Organization to whom was referred House File No. 64, A bill for an act to change the number and manner of electing County Surveyors, have had the same under consideration and have instructed me to report the same back and recommend its indefinite postponement.

A. RUNYAN, Chairman.

Your Committee on County and Township Organization to whom was referred House File No. 86, A bill for an act to amend an act entitled an act creating the Board of Supervisors, have had the same under consideration and recommend that it be indefinitely postponed.

A. RUNYAN, Chairman.

Mr. Joy from the Committee on Compensation of Public Officers submitted the following report:

The Committee on Compensation of Public Officers to whom was referred Senate File No. 112, have had the same under consideration and have instructed me to report the same back to the House with the recommendation that the same be indefinitely postponed.

JOY, Chairman.

Mr. Finkbine from the Committee on Ways and Means submitted the following reports:

The Committee on Ways and Means to whom was referred House File No. 216, A bill for an act to amend Section 765, of Chapter 45, of the Revision of 1860, have instructed me to report the same back without recommendation, there being before the House a Senate bill embracing the same premises.

FINKBINE, Chairman.

The Committee on Ways and Means to whom was referred House File No. 196, A bill for an act to repeal a portion of Section 12, of Chapter 106, of the acts of the ninth General Assembly, have instructed me to report the same back with the recommendation that it be indefinitely postponed.

FINKBINE, Chairman.

Mr. Darwin from the Committee on Judiciary submitted the following reports:

MR. SPEAKER:—The Judiciary to whom was referred a communication from T. S. Parvin, have considered the same and report it back without any recommendation.

DARWIN, Chairman.

The Judiciary to whom was referred substitute for Senate File Nos. 52 and 61, A bill for an act providing for the sale of lands for taxes to the highest bidder, and to limit the time for tax liens, have considered the same and recommend that Section 3 be struck out, and that so amended the bill be passed.

DARWIN, Chairman.

The Judiciary to whom was referred Senate File No. 115, A bill for an act to amend Section 2564, of the Revision of 1860, relating to guardians of non-resident minors, have considered the same and recommend its passage.

DARWIN, Chairman.

The Judiciary to whom was referred House File No. 284, A bill for an act to amend Chapter 45, of the Revision of 1860, having considered the same recommend therefor a substitute, and that the substitute pass.

DARWIN, Chairman.

Mr. Finkbine from the Committee on Ways and Means submitted the following report:

The Committee on Ways and Means, to whom was referred Senate File No. 223, A bill for an act making appropriations for the payment of State and Judicial officers, interest on State bonds and loans, and for other purposes, have instructed me to report the same back, recommending the following amendments:

1. In the third line of Section 19, strike out the word "fifteen," and insert the word "twenty."

2. In the fifth and sixth lines of Section 26, strike out the words "four hundred and twenty" and insert the words "two hundred and ten."

FINKBINE, Chairman.

Mr. Finkbine moved that Senate File No. 253, A bill for an act making appropriation for the payment of State and Judicial officers be reconsidered.

The motion prevailed.

Mr. Martin moved to amend Section 2, by striking out all relating to "private secretary."

Messrs. Martin and Fellows demanded the yeas and nays which were as follows:

The yeas were Messrs. Alcorn, Bahl, Bolter, Brown of Decatur, Buck, Comfort, Crawford, Dashiell, Fellows, Garrett, Landes, Lowdon, Martin, McLaughlin, Safely, Serrin, Sipple, Travis, Thorn, Wright, Van Leuven, Wilson of Jackson—22.

The nays were Messrs. Abernethy, Abbott, Barnes, Barker, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Conway, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Tracy, Thacher, Thomson, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—62.

Absent or not voting, Messrs. Ballinger, Brown of Louisa, Dar-

win, Gaylord, Hale, Huggins, Palmer, Rogers, Sapp, Sherman, Tisdale, Walden, Wilson of Dubuque—13.

So the amendment did not prevail.

Mr. Hand moved to amend by striking out "\$2000" in the article fixing the salary of the Private Secretary and inserting in lieu thereof "\$1500."

The motion to amend did not prevail.

Mr. Sipple moved to amend Section 18 by striking out that part relating to guards at the Penitentiary, which motion did not prevail.

The bill was ordered to be read a third time.

Mr. Finkbine moved that the rule be suspended and the bill read a third time now.

The motion prevailed and the bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garber, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Sately, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—80.

The nays were Messrs. Sipple, Wilson of Dubuque—2.

Absent or not voting, Messrs. Abernethy, Ballinger, Barker, Brown of Louisa, Brown of Winneshiek, Flanders, Garrett, Glasgow, Huggins, Lowdon, Palmer, Rogers, Sapp, Walden, Wright—15.

So the bill passed and the title was agreed to.

SENATE MESSAGES.

The House resumed consideration of Senate resolution relating to Capt. Stuart's work, "Iowa Colonels and Regiments."

Mr. Thorn's amendment was lost.

Mr. Thorn offered the following amendment and moved its adoption:

Provided, That the books are paid for out of the appropriation made by this General Assembly for purchasing books for the State Library.

Mr. West moved to refer the resolution to the Committee on Judiciary.

Mr. Flanders demanded the yeas and nays, which were as follows :

The yeas were Messrs. Ballinger, Bahl, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dwelle, Flanders, Gaylord, Garrett, Godfrey, Goodrich, Griffith, Hand, Holden, Knapp, Landes, Lowdon, Martin, Maxwell, McPherson, McNutt, McKean, Mills, O'Brien, Poindexter, Runyan, Safely, Serrin, Sipple, Thacher, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek, Mr. Speaker—54.

The nays were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bolter, Brown of Decatur, Buck, Dudley, Emery, Fellows, Gamble, Gary, Garber, Glasgow, Graves, Hale, Holmes, Joy, Knox, Linderman, McCullough, McLaughlin, Morgan, Olmstead, Rohlf, Russell, Ryan, Sherman, Tracy, Travis, Wright, Wilson of Marshall—33.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Finkbine, Fry, Huggins, Leffingwell, Palmer, Rogers, Sapp and Walden—10.

So the motion to refer prevailed.

The hour having arrived for the special order, Mr. Fellows moved to postpone the special order until the consideration of the Senate Messages was disposed of.

The motion prevailed.

Senate substitute for House File No. 272, A bill for an act to legalize the acts of the board of supervisors of Harrison county in conveying certain swamp lands to soldiers as bounty, was read a first and second time, and ordered to be read a third time.

The Senate amendments to House File No. 125, A bill for an act making farther appropriation for the Asylum for the Insane were considered.

Upon the question of concurring in the Senate amendments, the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Conway, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Maxwell, McPherson, McNutt, McKean, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Ryan, Serrin, Sherman, Sipple, Tracy, Thacher, Thomson, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—73.

The nays were Messrs. Alcorn, Comfort, Fellows, Leffingwell, McCullough, Safely—6.

Absent or not voting, Messrs. Ballinger, Brown of Louisa, Brown of Winneshiek, Crawford, Hale, Huggins, McLaughlin, Mills, Palmer, Russell, Rogers, Sapp, Travis, Tisdale, Thorn, and Walden—16.

So the amendments were concurred in.

By leave, Messrs. Hale and Martin submitted the following report from the Committee on the Swamp Land Investigation :

To the Senate and House of Representatives

of the Eleventh General Assembly of the State of Iowa :

The undersigned members of the Legislative Committee appointed under the following Joint Resolution of the 11th General Assembly, viz :

“ *Resolved*, In accordance with the recommendation of the Governor of the State, that a Committee of five on the part of the House, with such as the Senate may join, be appointed to investigate the alleged diversion of the Swamp Land Indemnity Funds, and that said Committee have power to send for persons and papers,” beg leave to submit the following report, together with the evidence taken before them, and which they attach to, and make a part thereof :

In view of the length of time intervening between the appointment of the Committee and the making of this report, as well as of the voluminousness of the testimony, some of which may appear unnecessarily cumulative and irrelevant, it is perhaps but proper and just to the Committee that they should make this explanation. At the outset, the Committee, being in possession of but little definite information in regard to the real character of the transaction, the particular interests and persons involved or implicated, and the leading material outline of facts, were necessarily obliged to grope their way somewhat in the dark, and indefinitely. Different parties were claiming to be materially interested in the investigation, and soliciting, at the hands of the Committee, the admission of their Attorneys during its course, suggesting that by so doing the Committee could the better be put in possession of important facts, that would greatly conduce to a more complete and thorough investigation than would otherwise be obtained. Under these circumstances, the Committee, after consultation, admitted Thomas F. Withrow, Esq., as the Attorney of the First National Bank of Des Moines, that had cashed some of the Swamp Land Warrants in controversy, upon the endorsement of Governor Stone's name, written by Mr. Orwig, and afterwards repudiated by the Governor ; D. O. Finch, Esq., as the Attorney of the State National Bank, where some of these warrants had also been cashed upon Mr. Orwig's endorsement of the Governor's name ; F. C. D. McKay, Esq., as the Attorney of the American Emigrant Company ; General N. B. Baker, as Attorney for R. G. Orwig ; and J. A. Harvey, as Attorney for W. H. Holmes ; all of whom were permitted to cross-examine the different witnesses called by the Committee, and to

suggest the introduction of other witnesses, who were also introduced and examined.

Add to this, that, owing to the fact of the testimony having to be printed, the Clerk of the Committee was generally so engaged during the evenings, in transcribing, reading proof, &c., as to render it impracticable for the Committee to hold evening sessions, and you have a character of circumstances under which a voluminous and wide ranged record of testimony, and delay in making report, were unavoidable.

The Committee find from the evidence before them that during the month of December, 1864, and the year 1865, there was awarded to the State of Iowa, under act of Congress of March 2d, 1855 Swamp Land Indemnity Warrants for thirty-two counties, enumerated in exhibit "A," to be found on page 3 of Appendix, amounting to the sum total of \$151,254.19.

All of these warrants with the exception of those for the counties of Montgomery, Page, Adair, Adams, Audubon, and Monona, endorsed for the agents of the American Emigrant Company, and about which there is no trouble, were forwarded by the Treasury Department at Washington to the Governor of Iowa, enclosed in envelopes and directed to him through the mail at different times during the first part of the year 1865.

In this shape they were taken from the post-office in Des Moines, by Major Geo. J. North, Military Secretary of the Governor, who was charged with receiving and opening all the mail matter directed to the Executive, in the Governor's absence, and by him *all* delivered over to R. G. Orwig, Private Secretary of the Governor, as matters belonging to the civil instead of the military department, except those for the counties of Butler, Alamakee, and Clayton, which were delivered by Major North, directly over to the State Treasurer. See pages 7 and 179 of Appendix.

Of these warrants so received and delivered over to R. G. Orwig, all have been accounted for and their proceeds paid over to the proper counties, their representatives or assignees, except those for the following named counties, viz :

COUNTY.	AM'T OF WARRANT.
Boone.....	\$1,869 33
Story.....	1,270 76
Washington.....	2,620 66
Jasper.....	4,204 39
Mahaska.....	195 10
Appanoose.....	2,475 44
Des Moines.....	501 68
Harrison.....	2,765 72
Dallas.....	1,300 00
Henry.....	607 09
Pottawattamie.....	10,250 85

Decatur.....	4,937 18
Bremer.....	8,450 01

Making a sum total of.....\$41,448 21

There is in the hands of the Treasurer belonging to Pottawattamie county, received by him of Orwig in the \$20,000 check (Appendix, page 42) and to be deducted from this.....\$ 7,453 38

Leaving the amount unaccounted for..... 33,994 83

This is the exact amount of the deficit, and the foregoing a correct list of the counties unaccounted for with the amounts belonging to each that compose it.

Having ascertained the exact amount of the deficit, let us now endeavor to ascertain where the unaccounted for funds or warrants have gone, into whose hands, and where the deficit is.

As the first step in and as the basis of the main inquiry as to where or in whose hands the deficit is, let us ascertain into *whose hands* the money or drafts of the unaccounted for counties *came and last was*.

As before alluded to, we find that the warrants for twenty-three counties, including those unaccounted for, were in the first instance taken from the post-office by Geo. J. North, Military Secretary, and by him turned over to R. G. Orwig, then Private Secretary, as belonging to his department of the civil business.

(See pages 5 and 7 of Appendix.)

In this wise we find that all of these unaccounted for drafts or warrants came into the hands of R. G. Orwig soon after their arrival by due course of mail, endorsed by his writing the name of the Governor on them, and most if not all of them by him cashed or deposited at the first National or State National Banks of Des Moines. That such are the facts is not disputed but on the contrary seems to be conceded by Mr. Orwig and on all hands.

(See Appendix pages 90 and 106.)

We have thus definitely ascertained that these unaccounted for warrants came into the hands of Mr. Orwig.

This being the case the burden of proof is thrown upon him to properly and satisfactorily account for them or their proceeds by showing that he either paid them over to the Treasurer, to the counties to which they respectively belonged or to some person or persons authorized to receive them.

We now proceed to inquire in what manner Mr. Orwig accounts for these missing warrants that are traced into his hands.

He undertakes to account for them in the following manner:

First—By stating generally that of all the warrants received, he in every instance either delivered them to the Treasurer, Mr. Holmes, or else endorsed them, got them cashed at the bank and paid the proceeds over to him, not always taking the Treasurer's receipt.

Second. By taking the sum total of the 32 warrants received in 1865, and accounting for them as on pages 90, 91, 92, 93, 94 of Appendix, and which we for convenient reference here embody as follows :

"From such data as I have, I know that 32 warrants of this character came here during the year 1865. Their sum total is \$151,344.11. I endorsed them all except three. Those for Montgomery, Page and Adair counties, I endorsed for B. F. Allen and James C. Savery, upon Mr. Allen's assurance that he would make the matter right if there should be anything wrong about it, and Mr. Savery's statement that the Governor had told him to come to me with them. The amount of these three warrants is \$22,613.15. The Governor told me he had endorsed for Judge McKay, the warrants for Adams and Audubon counties, and for Mr. Allen, the warrants for Monona county; their sum total is \$6,004.98. I hold nine receipts, given me by the State Treasurer, amounting in the aggregate to \$78,731.23. (Receipts here shown.) Copies furnished as follows :

\$12,946.87.

STATE TREASURER'S OFFICE, IOWA, }
DES MOINES, May 17th, 1865. }

Received of W. M. Stone, Governor of Iowa, twelve thousand nine hundred forty-six and 87-100 dollars Swamp Land Funds for the following counties, to-wit :

Johnson county.....	9,818.09
Marion county.....	287.60
Guthrie county.....	2,841.18

(Signed)

WM. H. HOLMES, State Treas.
C. P. HOLMES, Dept.

STATE OF IOWA, TREASURER'S OFFICE, }
DES MOINES, May 27th, 1865. }

Received of Gov. W. M. Stone, the sum of twenty thousand dollars on account of Swamp Land Funds.

(Signed)

W. H. HOLMES, Treas. State.
C. P. HOLMES, Dept.

\$1,150.00.

STATE TREASURER'S OFFICE, IOWA, }
DES MOINES, June 5th, 1865. }

Received of W. M. Stone, Governor of Iowa, eleven hundred and fifty dollars, Swamp Land Funds belonging to Tama county.

(Signed)

WM. H. HOLMES, State Treasurer.
C. P. HOLMES, Deputy.

\$7,249.17.

STATE TREASURER'S OFFICE, IOWA, }
DES MOINES, June 7, 1865. }

Received of W. M. Stone, Governor of Iowa, seven thousand two hundred forty-nine and 17-100 dollars, Swamp Land Funds belonging to Polk county.

(Signed)

WM. M. HOLMES, State Treasurer.
By C. P. HOLMES, Deputy.

\$6,182.1-100.

STATE TREASURER'S OFFICE, IOWA, }
DES MOINES, June 13, 1865. }

Received of W. M. Stone, Governor of Iowa, six thousand one hundred eighty-two and 1-100 dollars, Swamp Land Funds belonging to Fremont county.

(Signed)

WM. H. HOLMES, State Treasurer.
C. P. HOLMES, Deputy.

\$21,680.14.

STATE TREASURER'S OFFICE, IOWA, }
DES MOINES, July 10, 1865. }

Received of W. M. Stone, Governor of Iowa, Swamp Land Funds, as follows, to-wit:

For Butler county.....	\$15,125.66
For Alamakee county.....	6,259.30
For Clayton county.....	245.18

\$21,680.14

(Signed)

WM. H. HOLMES, State Treas.
C. P. HOLMES, Dept.

\$7,210.29.

STATE TREASURER'S OFFICE, IOWA, }
DES MOINES, Aug. 10, 1865. }

Received of W. M. Stone, Governor of Iowa, Swamp Land Fund, as follows:

For Cedar County.....	\$7,098.93
For Clinton county.....	111.36

\$7,210.29

(Signed)

WM. H. HOLMES, State Treas.
C. P. HOLMES, Dept.

\$2,812.75.

STATE TREASURER'S OFFICE, IOWA, }
DES MOINES, Sept. 30, 1865. }

Received of Wm. M. Stone, Governor of Iowa, two thousand three hundred twelve and 75-100 dollars, Swamp Land Funds for Louisa county.

(Signed)

WM. H. HOLMES, State Treas.
C. P. HOLMES, Dept.

\$50.00.

STATE TREASURER'S OFFICE, IOWA, }
DES MOINES, Sept. 30, 1865. }

Received of W. M. Stone, Governor of Iowa, fifty dollars, Swamp Land Funds for Fremont county.

(Signed)

WM. H. HOLMES, State Treasurer.
C. P. HOLMES, Deputy.

The receipt for \$12,546.62, to be added to the \$78,731.23, was in the Executive office, and should now be in the Governor's possession. I know that I never surrendered it to Holmes. I gave the State Treasurer, June 13th, 1865, this check:

(Copy.)

"TREASURER'S OFFICE, }
 "DES MOINES, June 13th, 1865. }

"National State Bank, pay to W. H. Holmes, State Treasurer, six thousand dollars.

"\$6,000.

W. M. STONE,

"Per R. G. ORWIG, Priv. Sec'y."

This check was paid, according to the bank book, the following day, and was on account of the warrant for \$8,450.01, deposited June 5th. This warrant was payable at St. Louis. Mr. Holmes told me Capt. West had refused to give him the money for it without a charge for collection, hence I deposited it and gave the check for part of it. I have no receipt for this \$6,000. Neither have I a receipt for the warrant, but I claim that the check itself, which was payable to Mr. Holmes and not to bearer, and its payment by the Bank to him is sufficient voucher. I also gave William Baker, the agent for Bremer county, a check for \$1,000.59, for which his endorsement on the check is a receipt (check here presented), and copied as follows:

DES MOINES, IOWA, June 15, 1865.

National State Bank of Iowa, pay to the order of William Baker one thousand 59-100 dollars, bankable funds.

\$1000 59-100.

W. M. STONE,

Per R. G. ORWIG, Priv. Sec.

For the warrants handed over to Holmes in the month of January and early part of February, upon his written request, although not receipted for by him, some, if not all, were endorsed by him, and my checks show that I paid him on account of those returned to me, \$14,350 (checks here shown).

"STATE OF IOWA, TREASURER'S OFFICE, }
 "DES MOINES, January 24, 1865. }

"Des Moines Branch State Bank pay to W. H. Holmes or order one thousand one hundred and fifty dollars, in currency.

"\$1,150.00.

"W. M. STONE,

Per R. G. ORWIG, Priv. Sec."

"DES MOINES, IOWA, January 31, 1865."

"Des Moines Branch State Bank of Iowa, in currency, pay to Contingent Fund or bearer five thousand dollars.

\$5,000.00.

"W. M. STONE.

Per R. G. ORWIG, Priv. Sec."

"DES MOINES, IOWA, February 3, 1865.

"Des Moines Branch State Bank of Iowa, in currency, pay to N. Y. Draft, or Bearer, one thousand dollars.

\$1,000.

"W. M. STONE,

Per R. G. ORWIG, Priv. Sec."

"DES MOINES, IOWA, February 10, 1865.

"Des Moines Branch State Bank of Iowa, in currency, pay to W. H. Holmes, or bearer, two thousand dollars.

"W. M. STONE,
\$2,000. "Per R. G. ORWIG, priv. Sec."

"DES MOINES, IOWA, March 25, 1865.

"Des Moines Branch State Bank of Iowa, in currency, pay to W. H. Holmes, or bearer, five hundred dollars.

"W. M. STONE,
\$500. "Per R. G. ORWIG, Priv. Sec."

"DES MOINES, IOWA, April 17, 1865.

"Des Moines Branch, State Bank of Iowa, in currency, pay to W. H. Holmes, or bearer, fifteen hundred dollars.

"W. M. STONE,
"\$1,500. Per R. G. ORWIG, Priv. Sec."

"DES MOINES, IOWA, May 12, 1865.

"Des Moines Branch, State Bank of Iowa, in currency, pay to R. G. Orwig, or bearer, seventeen hundred dollars.

"W. M. STONE,
"\$1,700. Per R. G. ORWIG, Priv. Sec."

"DES MOINES, IOWA, August 3, 1865.

"National State Bank pay to W. H. Holmes, or bearer, fifteen hundred dollars in current funds.

"\$1,500. Per R. G. ORWIG, Priv. Sec."

These checks were all drawn on the same bank, but the name of the bank was changed, and I wish to say in further explanation that the check payable to "Contingent Fund or bearer," was drawn in the bank at the time that drafts were deposited on which Mr. Holmes wanted \$5,000, and was at once paid to Mr. Holmes. The check payable to "N. Y. Draft or bearer," was given for a Draft which was delivered to Holmes, and the endorsements on the draft ought to show that he had it. I do not know that they do. The check payable to myself or bearer, I drew the money on to pay Holmes a balance due on drafts deposited April 3d, and I gave the money to him for that purpose.

I also paid Mr. Holmes a New York Draft drawn by B. F. Allen for \$3,000. My impression is that I afterwards gave him the money for this draft, but I am not certain about it. I also paid him in the month of March, 1865, the sum of \$300 in money. I do not claim credit on account of the Swamp Land Fund for this \$300. Neither do I claim such credit for the largest part of the \$3,000 New York Draft, because they were never receipted for by Mr. Holmes, and were intended to be for his individual use.

RECAPITULATION.

Warrants endorsed to B. F. Allen and James C. Savery,	\$22,613.15
Warrants endorsed by the Governor and paid to the Emigrant Company.....	16,004.98
Nine receipts from the State Treasurer for.....	78,731.23
State Treasurer's receipt in possession of the Governor for.....	12,546.62
Check to State Treasurer on account of Bremer county paid June 14, 1865,.....	6,000.00
Check to Wm. Baker, Agent from Bremer county....	1,000.59
Amount of checks given for drafts given me for collection, other than the Bremer County Draft.....	14,350.00
B. F. Allen's draft on N. Y. paid to W. H. Holmes...	3,000.00
Cash paid to Holmes on account of profits.....	300.00
Total	\$154,546.57

If we should take this statement as a verity, as undisputed and consistent in itself, it would go very far in relieving Mr. Orwig from all responsibility with regard to the unaccounted for drafts, and placing it upon the Treasurer, W. H. Holmes.

But is it to be so taken? Is it undisputed? is it consistent in itself and with the testimony in the case?

In regard to the general statement of Mr. Orwig, Mr. Holmes emphatically denies that Orwig ever paid to him any of the warrants, or their proceeds, of the unaccounted for counties, or that he ever received them or any portion of them from Orwig or any other person, and states that for all warrants or money belonging to counties delivered to him by Mr. Orwig, he gave him a receipt at the time. Here, then, is a specific denial of Mr. Holmes against the allegation of Mr. Orwig in that behalf. The burden of proof, as we have before stated, is on Mr. Orwig to account for the drafts, and unless there is something in the case to corroborate his allegation, and establish its truth against the denial of Mr. Holmes, this method of accounting must be held insufficient to relieve Mr. Orwig from the responsibility of the unaccounted for funds shown to have come into his hands. Without entering into details of the evidence, we simply announce it as our unqualified opinion that such necessary corroboration cannot be found in the testimony when taken together.

We now proceed to examine the strength and consistency of his accounting for the warrants in his detailed statement, found in Appendix, pages 90, to 94, and which we have before embodied herein. It is the opinion of the Committee that this statement of Mr. Orwig contains in itself the most satisfactory and conclusive evidence of its falsity and unreliability. In this statement he gives himself credit (see his recapitulation where the credits are summed up,) among other items for nine receipts from State Treasurer, \$78-

731.23. Now included in these nine receipts, and that goes to make up the said amount, is the receipt for \$20,000, of May 27th, set out on page 90 of Appendix, which included the money of Mills, and part of Pottawatomie counties, (see page 42 and 106 of Appendix.)

And yet, the next item that he gives himself credit for, is the Treasurer's receipt for \$12,546.62, for this same Mills county, which Orwig states Holmes had executed to the Governor when the money was paid by him (Holmes) to said county.

It will be seen that Orwig here, and in this manner, gives himself double credit for \$12,546.62, the money due Mills county, 1st, in the \$20,000 receipt, and 2d, in the receipt of the Treasurer to Mills county.

Another credit that he gives himself in this statement is amount of certain checks paid to Holmes for drafts given Orwig for collection, of \$14,350.00. (Copies of these checks found in the statement of Orwig hereinbefore embodied). Now let us compare this part of his showing with his statements in his cross examination on page 106 of Appendix. In the first part of his answer he undertakes to state what disposition he made of drafts for counties "No. 1 Tama, No. 2 Louisa, No. 3 Cedar, No. 4 Clinton, No. 5 Boone, No. 6 Story," and states that they were received in January and delivered to Holmes. That in April Holmes gave him for collection Nos. 4, 5, and 6, that he deposited them April 3d, and on April 17 paid Holmes' check on account thereof for \$1,500, and paid him \$1,700 in money May 12th. Now this check of April 17 and this alleged payment of May 12th are two of the checks which are included in the said credit of checks for \$14,350, as will be seen by reference to pages 92 and 93 of appendix and which is hereinbefore embodied. Now turn to the nine receipts for which he credits himself as aforesaid and which are set out in his statement, and it will be seen that included in the one for \$7,210.29 is the amount for Clinton county of \$111.36. In this wise Mr. Orwig has given himself credit twice, as clearly shown from his own statements for the said amount of \$111.36, first by including it in the nine receipts, second in the checks of April 17 and May 12.

Again, in the same part of said answer, page 106, he states that those numbered 2 and 3 (Cedar and Louisa counties) were given to him by Holmes January 13th, by him deposited and paid to Holmes by checks of January 31, February 3 and 10 and March 25. These checks by which he claims he paid Holmes for said Cedar and Louisa counties (Nos. 2 and 3) are also included in the said credit for checks before referred to, and are to be found on pages 92 and 93 of appendix, and the portion of Orwig's statement before set out, and amount to the aggregate sum of \$8,500.

Now turn to the credit for the nine receipts before mentioned, and it is seen that, included in these receipts, are the receipts for these same counties of Cedar and Louisa.

Here, and in this manner, Mr. Orwig has given in this account-

current of his credit twice for the amount of said checks, \$8,500.00. *First*—In the nine receipt credit, in which are included the receipts for the two counties aforesaid, of Cedar and Louisa. *Second*—In the credit for the said checks, which he swears, on page 106, were given to Holmes on account of the proceeds of the drafts for those identical counties.

This duplication of credits, amounting in the aggregate to \$21,157.98, may be in accordance with some newly invented system of double-entry book-keeping not generally known, and with which the committee are not familiar, but viewing it from an ordinary stand-point, and with the light we have, we are of the opinion that this duality of credits is unjustifiable, and most seriously affects the faith and reliability of Mr. Orwig's whole theory and statements. But let us further examine this account-current of Mr. Orwig's. In it he further gives himself credit for the following item: "Check to Wm. Baker, agent for Bremer county, \$1,000.59." It is to be borne in mind that he claims this as a credit to himself, as for that amount in his accounting for the *Swamp Land Funds* traced into his hands, and yet it is abundantly shown in the evidence that this \$1,000.59 was taken by Orwig from the *Contingent Fund*. On page 94, Appendix, Mr. Orwig states, "of this sum total, \$1,000.59 is due to the Governor's Contingent Fund, *from which the check to Wm. Baker was paid, and has not been reimbursed.*" (The italics are ours.) See, also, as to Orwig's admissions and statements, pages 188 and 189, of Appendix. If, then, this amount was from the Contingent Fund, which has not been reimbursed, and not from the swamp land fund, Mr. Orwig's credit for that amount in his account is certainly unauthorized.

Another item for which Mr. Orwig gives himself credit in said statement, is "Check to State Treasurer on account of Bremer county, \$6,000.00."

Now, Mr. Orwig states, on page 106 of Appendix, that he received Bremer county draft June 1st; that he delivered it to Holmes; that Holmes returned it to him to get the money for it; and that on account thereof, he gave Holmes a check for \$6,000.00.

Now, aside from this statement of Mr. Orwig itself, there is no evidence of its truth. It is not corroborated by any circumstance that the committee have been able to find in the evidence. If Orwig gave it to him, why did he not take a receipt for the draft, or for the \$6,000.00, when paid to him? There is no such receipt. Besides, it is abundantly shown in several parts of the evidence that during the summer and fall, after he alleges that he received the Bremer county draft, he, at different times, and on several occasions, positively denied ever having received said draft. On this point see Wm. Baker's testimony, page 183, Appendix; Mr. Harvey's testimony, page 188; Orwig's letter to H. C. Moore, 189; testimony of D. E. Jones, page 191. On pages 128 and 129, Appendix, Orwig states positively and unequivocally that he never, with

Holmes's knowledge or consent, did convert or use any swamp land fund for any private purpose whatever. Now, then, if this was the case, why did Orwig continually deny, through a period of several months, that he had received the Bremer county draft, if it is a fact, as now claimed, that he received it in June, and paid it, or its proceeds, over to Holmes?

Mr. Holmes states that he did receive of Orwig a check for \$6,000 in payment or as the proceeds of the January drafts, which he claims were all the drafts he ever delivered to Orwig, and which were given to him for reasons stated on page 39 of Appendix. About these drafts there is no trouble, they having been paid over to the counties by the Treasurer. The Treasurer states that all other swamp land drafts that ever came into his hands were collected, and by him paid over to the counties entitled to it, or are still held by him.—Appendix, 42. The committee, governed by the weight of testimony, and all the circumstances of the case, are forced to conclude that the said \$6000 credit of Mr. Orwig's is not substantiated.

The other credits in said statement of Mr. Orwig, respectively for \$3,000 and \$300, at the close of recapitulation, Mr. Orwig does not himself claim as credits on account of swamp land drafts that came into his hands. We do not, therefore, feel called upon, as in the purview, of the investigation, to give them any examination or to speak of the testimony relative to them, preferring not to touch upon those matters not relative to the main object of the investigation, leaving every one to draw his own conclusions upon all irrelevant points from the testimony reported.

Having thus examined the items of credit contained in Mr. Orwig's statement, let us for a moment review them and see what ones are substantiated. The first one for warrants endorsed to Savery, \$22,613.15; the second for those paid to Emigration Co., \$16,004.98; the third for the nine receipts of Treasurer, \$78,731.23, he is entitled to; indeed, about these warrants there is no dispute. Their sum total is, \$117,349.36. None of the other items are substantiated by the evidence in the case for reasons hereinbefore specifically pointed out.

Deduct from the sum total of the 32 counties received in 1865, \$151,344.19, the aforesaid amount, \$117,349.36, and we have a deficit identical in amount with the aggregate amount of the warrants for the unaccounted for counties enumerated in the first part of this report, to-wit: \$33,994.83. For this amount of the warrants for the said unaccounted for counties that came into the hands of Mr. Orwig, the Committee, from the weight of testimony, unanimously conclude he has not accounted, and that said deficit is with and in the hands of the said R. G. Orwig.

Without endeavoring to go into details of the testimony or point out the inconsistencies, discrepancies and contradictions in and bearing upon Mr. Orwig's testimony, we propose to now refer to a

portion of Mr. Orwig's evidence contained in his statement on page 96 of Appendix, which seems to place the correctness of our conclusion beyond much doubt. We refer to Mr. Orwig's letter to the Governor found in his statement on said page of Appendix, and the following portion of which we here quote:

DES MOINES, IOWA, June 27, 1865.

"DEAR GOVERNOR:—Mr. Holmes tells me that you have written to him for a statement of the Indemnity claim account, and wish me to give such information as there is in the Executive office relative to the same.

"The whole amount of drafts received at the Executive office is \$78,368.48. Of this amount the State Treasurer has receipted to you for \$54,738.34, and he holds drafts not yet endorsed and for which he cannot receipt to you until they are endorsed for, \$21,630.14."

Now it is shown from the evidence that at the time Orwig wrote this letter to the Governor, there had been forwarded to and received at the Executive office Swamp Land drafts for all the counties forwarded to the Executive during the year 1865, (not including the 6 endorsed to Emigration Co.,) being 26 in number and amounting to \$112,726.06 instead of \$78,368.48 as stated by Mr. Orwig in said letter, (see pages 230 and 231 Appendix.) Here was a false statement to the Governor of the amount. Why did Mr. Orwig make it? How far was it false?

Take the amount actually received.....	\$112,726.06
And deduct the amount reported to	
be received by Mr. Orwig.....	78,368.48

And we have a difference of.....	34,357.58
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—About the amount of the deficit.

If we take the exact amount shown to have been paid to the Treasurer at the date of said letter.....	\$78,731.23
From the said amount received at	
the Executive office.....	112,726.06

And we have a difference of.....	\$33,994.83
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the exact amount of the missing warrants. On its face, unexplained, this showing proves conclusively from out of Mr. Orwig's own mouth that at the time he wrote that letter he had the amount of this deficit in his own hands never having paid it over to the Treasurer, and that he misstated to the Governor in order to cover it up.

Let us see what explanation Mr. Orwig gives. How does he relieve himself from the position? On page 97 of Appendix, immediately following the letter referred to, Mr. Orwig gives the following explanation. He says: "I did not at the time of writing this letter know that drafts were sent by North direct to Holmes.

I supposed the amount of drafts he reported to me to be in his hands to be drafts that I had given him, and to the extent that he had drafts from North my statement to the Governor was erroneous, because I had no knowledge of them whatever."

Is this explanation satisfactory? Let us examine it. He says in this that he did not know that any drafts had been delivered by North direct to Holmes, and that the reason of his error was that he *did not include* the amount of drafts so delivered by North because he "had no knowledge of them whatever." Now the evidence shows conclusively that he *did include* the amount of drafts delivered by North to the Treasurer—that they were *all* included in the \$21,630.14, given in the part of the letter before quoted, which he says was the amount of drafts held by the Treasurer "not yet endorsed, and for which he could not receipt until endorsed." This is proven from the following facts: During the year 1865, there was received at the Executive Office drafts for 26 counties (not including of course the six drafts of the Emigration Company). These were all the drafts received, and they were received all of them prior to date of Orwig's letter. All of these drafts came into the hands of and were endorsed by Orwig to the banks, except three. These three were for Butler, Alamakee, and Clayton counties.

See Orwig's statement on pages 106 and 107 of Appendix, in which he admits the receipt and endorsement of all the drafts for the twenty-six counties, except the three last named. On page 8 of Appendix, Major North says: "All the warrants that came to me during Governor Stone's administration, with the exception of these three last mentioned (Butler, Alamakee, and Clayton counties,) were delivered to Mr. Orwig without any information from me to Governor Stone of their receipts." Again, on page 179, he states: "I think I received twenty-six drafts in all. I delivered all but three to Orwig. The other three I delivered to Mr. Holmes, and they were for Butler, Alamakee, and Clayton counties." We might, in addition to this evidence of Major North and Mr. Orwig's own admission, refer to several other portions of the testimony to show that of all the drafts forwarded to the Executive in 1865, all were received by Orwig except those for the three said counties.

In this view, then, what drafts did Orwig refer to in said letter to the Governor, wherein he says "he (the Treasurer) holds drafts not yet endorsed, and for which he cannot receipt to you until they are endorsed, for \$21,630.14?" As Mr. Orwig had received and endorsed *all* the drafts received in 1865 *except the three which Major North had delivered direct to Holmes, for Butler, Alamakee and Clayton counties*, they could not possibly have been any other than the identical drafts that North had delivered over to the Treasurer which Mr. Orwig in another breath has the boldness to state he knew nothing whatever of, and did not take into account. It cannot be otherwise.

It is further proven in the following way :

Take the amount of Butler county.....	\$15,125.66
Alamakee	6,259.30
Clayton	245.18

The three delivered by North to Holmes, and they

foot up.....\$21,630.14

Just the sum that Orwig says in the letter the drafts held by the Treasurer "not yet endorsed" amount to.

The demonstration is clear then that Orwig did include in his statement to the Governor in the letter just what he says he did not include, the three drafts that the Treasurer had received from North, and which Orwig afterwards endorsed under authority of the Governor's letter of July 7th, written in consequence of the one from Orwig to him. See Appendix 44, and Orwig's statement, 98.

This attempted explanation, then, of Orwig of his false statement in his letter to the Governor only makes the matter worse by adding to one misrepresentation still another. And the letter must stand as additional, and, when taken with the rest, convincing evidence, that he applied the missing drafts to his own use, and sought by studied effort to conceal it from the Governor.

Further evidence corroborative of this idea is, that Mr. Orwig stated in this letter and upon other occasions that the reason of all the trouble in relation to the matter was the delivering of drafts to the Emigrant Company, and the sending of drafts by the Department, without notice to what counties they belonged. He continually gave as a reason for the absence of some of the missing drafts that he supposed they had been delivered to the Emigration Company, when, as since shown, those same drafts had been received by him. [See Governor Stone's testimony, Appendix 8, 9, 10; also, Mr. Harvey's testimony, 188; and that of D. E. Jones, 190, 191.]

If, as Mr. Orwig claimed, one cause of confusion and difficulty was the not being notified by the Department to what counties the warrants belonged, it was evidently his duty to have written to Washington in order to ascertain. And on page 149 of Appendix, when asked by Mr. Harvey, he states that he "did write several times," but adds, "I do not remember the dates;" and he again states the same thing on page 164 of Appendix, and in his letter to Moore, page 155. But the facts in the case are, as shown by the records and files of the Executive office, by correspondence from the Department, and by letter of Commissioner of General Land Office, written since the commencement of this investigation, that Orwig wrote *only one letter*, and that was on the 19th of June, 1865, and simply requests the Commissioner "to direct drafts to the Governor at Des Moines, and not to deliver them to any agent of the State." [Pages 180 and 181, Appendix.]

We might dilate more extensively upon the different portions of testimony, running through the whole record, to support the correctness of our conclusions, but do not deem it necessary to further prolong the report. To take up and speak of all the testimony is a task too Herculean to be undertaken, and we close this part of the report with the general statement that the justice and correctness of our finding, is, in our opinion, thoroughly substantiated by the whole evidence of the case when taken together, much of which could not necessarily be touched upon herein, and which we herewith report for general examination; leaving all matters not strictly relevant to the main inquiry as to how much and where the Swamp Land deficit is, untouched by us, and in such positions as the testimony may put them.

To recapitulate, then, in conclusion, we find that the amount of the Swamp Land Indemnity deficit is \$33,994.83, and that this deficit is in the hands of R. G. Orwig. The Committee find further that on the 16th day of December, the said R. G. Orwig, for the purpose of securing all parties interested against any loss that might result or accrue from the receipt, endorsement, or non-accounting of said Orwig, executed to B. F. Allen as Trustee, the Deed of Trust and accompanying defeasance which are embodied in the Appendix and are to be found on pages 161, 162, 163, and 172, 173, 174, and 175 thereof.

The value of the property included in the Deed of Trust is estimated by some as high as \$50,000, with incumbrances of \$11,000. This is what Mr. Orwig puts it at—168 Appendix. But from the testimony of Mr. Withrow and from other information, we put the value, after deducting incumbrances, at about \$30,000.

The course, which in the opinion of a majority of the Committee should be adopted and pursued in relation thereto, is pointed out in the resolution hereto attached and herewith presented at the close of this report, and its adoption by the General Assembly recommended.

The foregoing Report was written with the view and under the agreement or understanding that it should be joined in by all the members of the Committee. This was desirable, and for this purpose the majority of the Committee were willing to concede not a little, and modified the original plan of the Report to the extent of laying aside fifteen pages of manuscript which seemed in some of its details objectionable to the minority, in order that it might meet the approval and be satisfactory to all the members of the Committee, which it seemed to after most of it had been read and submitted to them.

But at this late stage, and while on the eve of submitting the report, those members of the Committee belonging to the political minority in the Legislature, have for some reasons, (perhaps satisfactory to themselves,) concluded to dissent from the Report of the majority of the Committee. We state these facts for the reason

that our Report, being written under this understanding, purports in its expression to be the unanimous report of the Committee, and because it is now too late to revise or change it in these respects.

We here submit and recommend the adoption of the following resolutions.

EDWARD H. STILES, Chairman,
NATHAN UDELL,

On part of the Senate.
WM. HALE, Chairman.
JOHN RUSSELL,
L. CLARK,

On part of the House.

Resolved by the General Assembly of the State of Iowa, That all the evidence taken before the Committee appointed to investigate the "supposed diversion of the Swamp Land Indemnity Fund," and the report of that Committee to the General Assembly, be and the same are hereby referred to the Attorney General, with instructions that said Attorney General be, and he is hereby required to proceed at once, to take such legal steps as he may deem advisable, against such person, or persons, or securities already given, as may be necessary to secure the amount of the deficit found by said Committee, for the benefit of the counties interested.

2. *Resolved*, That all actions or suits which it may be necessary to institute in order to carry into effect this resolution may be prosecuted in the name of the State of Iowa for the use and benefit of the counties affected by said defalcation.

3. *Resolved*, That the State of Iowa shall pay all costs that may be legally expended in the prosecution of all suits by virtue of or under the foregoing resolutions; and the amount thereof shall be reported by the Attorney-General to the Auditor of State, who shall draw his warrants for the same in favor of the parties to whom the same may be due.

Provided, That nothing in this resolution shall be so constructed as to prevent the costs in such suits abiding the event thereof as now provided by law.

4. *Resolved*, That all money which may be realized by the Attorney-General in the performance of his duties in this respect, shall be paid over by him to the State Treasurer, who shall receipt in duplicate therefor in the usual manner, and the same shall be paid out by said Treasurer as now provided by law for paying Swamp Land Indemnity Funds, except that he shall divide the funds thus paid into his hands *pro rata* between the several counties affected by said defalcation.

To the General Assembly of the State of Iowa:

The undersigned members of the Committee appointed by your

honorable body to investigate the diversion of the Swamp Land Indemnity Funds, beg leave to submit this their report.

While we concur in much of the reasoning and many of the positions and conclusions of the other members of the Committee as to the serious dereliction of duty and the corrupt practices of an obscure agent of a high official of the State, and believe that he has appropriated an amount of the public funds nearly or quite equal to the Swamp Land Deficit, (but whether that appropriation is wholly or only in part for the Swamp Land Indemnity Fund, the testimony does not clearly show,) we yet must dissent from the main position of the other members of the Committee, that this humble secretary—this obscure agent—is the chief or only wrong-doer; and the lengthened argumentation and liberal quotation from the testimony to establish this theory and to darken the guilt of that agent, and thus by implication or silence to exculpate others high in position and responsible directly to the people, is not warranted by the testimony, not consistent with justice, nor calculated to promote the public welfare.

As the testimony is all submitted to the General Assembly we do not deem it necessary, nor have we the time to enter into details or to make a critical analysis of the evidence adduced, or nicely to attempt to balance probabilities amidst obscure and conflicting statements. That there is a serious deficit in the public Treasury no one will find it difficult to conclude. That the amanuensis of the Governor has been the willing and wicked agent to help to cause that deficit all will admit. But painful as the duty may be, (and it is one of the most painful we have ever performed,) we deem it our duty nevertheless, to declare our conviction that the gross negligence of one high State official and the malpractices of another, are among the fruitful sources of all the loss, derangement and shame under which the State now labors, and which is partially exposed by this investigation.

And we cannot too strongly condemn the negligence in the Executive Department, and the malpractice in the financial department of the State as revealed by the testimony submitted herewith.

In conclusion we would recommend,

1. That the Attorney-General of the State be instructed by the General Assembly to at once institute suit against the responsible parties, on behalf of the State of Iowa, for the recovery of the missing funds and the exposure of the guilty actors.

2. We would also recommend as an act of manifest justice, that the State at once make provision to pay to the different counties entitled to the same, the Swamp Land Funds that have come into the possession of the State and have been corruptly misapplied.

B. B. RICHARDS,
W. T. BARKER,
W. C. MARTIN.

NOTE.—The latter part of the majority report was first seen by the undersigned after the same was in print. We never assented to it, and are not aware that the majority report was ever submitted to or passed upon by the committee. We desired that the report should be unanimous, and so expressed ourselves. But we uniformly insisted that any report should embrace substantially what the minority report contains.

W. C. MARTIN,
B. B. RICHARDS,
W. T. BARKER.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked:

Senate Substitute for House File No. 222, A bill for an act to amend Section 3304, Chapter 125 of the Revision of 1860.

I return herewith the following bills which have passed the Senate without amendment.

House File No. 123, A bill for an act to amend Section 1 of Chapter 25 of the laws of the extra session of the Ninth General Assembly.

Substitute for House File No. 96, A bill for an act to amend Section 710 and 312 of the Revision of 1860.

JAMES M. WEART, Ass't. Secretary.

Mr. Clark moved that Senate File No. 186, "A bill for an act to aid in the support and education of soldiers' orphans," be printed.

The motion prevailed, and the bill was ordered printed.

Senate File No. 224, "A bill for an act to amend Article 2, of Chapter 59, of the Revision of 1860," was read first and second times, and ordered read a third time.

Mr. Bereman moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Alcorn, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Fellows, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Lipderman, Lowdon, Maxwell, McPherson, McNutt, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf's, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Sipple, Tracy, Thacher,

Travis, Tisdale, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Williams of Winnesheik, and Mr. Speaker—81.

The nays were none.

Absent or not voting, Messrs. Abbott, Ballinger, Brown of Louisa, Brown of Winnesheik, DeForest, Finkbine, Hale, Huggins, Martin, McCullough, McLaughlin, Palmer, Rogers, Sapp, Thomson, Walden, Wilson of Jackson—16.

So the bill passed, and the title was agreed to.

The Senate having refused to concur in the House amendments to Senate File No. 217, Mr. Sherman moved that the House insist upon the amendments and ask a committee of conference.

The motion prevailed, and Messrs. Sherman, Glasgow, and Sipple, were appointed as such committee on the part of the House.

Senate substitute for House File No. 222, A bill for an act to amend Section 3304, Chapter 125 of the Revision of 1860, was read a first and second time.

The bill was ordered to be read a third time.

Mr. Brown of Decatur, moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Flanders, Gamble, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Tisdale, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—78.

The nays were Messrs. Boomer, Finkbine, Garrett, Linderman, Sherman, Thomson, Thorn, Van Leuven—9.

Absent or not voting, Messrs. Brown of Louisa, Brown of Madison, Brown of Winnesheik, Conway, Huggins, Martin, Palmer, Rogers, Sapp, Walden—10.

So the bill passed and the title was agreed to.

The Senate amendment to the House Joint Resolution providing that copies of the Adjutant General's Report shall be given to Examining Surgeons, was concurred in.

The Senate amendment to the House Joint Resolution relating to appointing Trustees of the Hospital for the Insane, was concurred in.

SPECIAL ORDER.

The following bill which had been made the special order for 10 o'clock was taken up and considered, viz :

House File No. 192, A bill for an act to permanently locate the Institution for the Deaf and Dumb at Des Moines, and to provide for the erection of a building, &c.

Mr. Finkbine moved to amend by striking out "Des Moines" and inserting "Iowa City."

Mr. Wilson of Marshall moved to strike out "Iowa City" and insert "Marshall."

Mr. Sapp moved that farther consideration of the bill be postponed until Thursday evening at 7 o'clock.

Mr. Tracy moved to lay the motion on the table and demanded the yeas and nays which were as follows :

The yeas were Messrs. Barnes, Brown of Van Buren, Carbee, Close, Dudley, Dwelle, Emery, Fellows, Gaylord, Gary, Garber, Griffith, Holmes, Knapp, Knox, Lowdon, McLaughlin, Morgan, Olmstead, Rohlf, Russell, Safely, Serrin, Tracy, Thacher, Travis, Thomson, Van Leuven, Wilson of Dubuque, Wilson of Jackson—30.

The nays were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown, of Madison, Buck, Burnett, Clark, Comfort, Crawford, Darwin, Dashiell, Finkbine, Flanders, Fry, Gamble, Garrett, Glasgow, Godfrey, Goodrich, Graves, Hale, Hand, Holden, Landes, Leffingwell, Linderman, Martin, Maxwell, McNutt, McCullough, McKean, Mills, O'Brien, Poindexter, Runyan, Ryan, Sapp, Sherman, Sipple, Tisdale, West, Williams of Des Moines, Wilson of Marshall, Mr. Speaker—53.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Conway, DeForrest, Huggins, Joy, McPherson, Palmer, Rogers, Thorn, Walden, Wilcox, Wright, Williams of Winneshiek—14.

So the motion to lay upon the table did not prevail.

MESSAGES FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable Body that the Senate has passed the following bill in which the concurrence of the House is asked.

Substitute for Senate File No. 137, A bill for an act to provide for the taxation of the shares of the National Bank.

I return herewith House File No. 259, A bill for an act to provide for the collection and settlement of the notes and mortgages received by James D. Eads, for money loaned by him out of the

Permanent School Fund, and of Judgments thereon, it having passed the Senate without amendment.

JAMES M. WEART, Asst. Secretary.

The motion to postpone prevailed.

By leave Mr. Wilcox introduced the following resolution, which was adopted :

Resolved by the House of Representatives, That the House Committee of Conference appointed to confer with a Senate Committee, as to striking out 180 days, from the bill appointing J. N. Dewey, Commissioner, to settle the claims of this State with the General Government be instructed to enquire what amount of Bonds the said Commissioner, J. N. Dewey, shall give to the State for the faithful performance of this Duty as such Commissioner, and that they report by bill or otherwise.

By leave, Mr. Knapp introduced the following resolution, which was lost :

Resolved, That a committee of three be appointed, of which Mr. Russell shall be Chairman, who shall arrange and classify the bills now before the House, in the order of their importance, to the end that those required by the public welfare may be acted upon before the day of adjournment :

By leave Mr. Martin introduced the following resolution, which was adopted :

Resolved, That the committee appointed to examine the diversion of Swamp Land Indemnity Funds be authorized and instructed to have the minority report of said committee printed, bound, and submitted with the majority report and testimony in the case.

Mr. Hale moved to make the report of the Swamp Land Committee a special order for Saturday evening at 7 o'clock, which motion prevailed.

By leave, Mr. Bolter introduced the following resolution :

Resolved by the General Assembly of the State of Iowa, That all laws passed by the Eleventh (11th) General Assembly of the State of Iowa, which are or were to take effect by publication in the newspapers of the State shall be published in the Iowa Weekly Statesman, a newspaper published at Des Moines, provided that this resolution shall not authorize the republication of any law that has been officially published in the daily or weekly Statesman.

Mr. Wilson, of Dubuque, moved to postpone until 2 o'clock, P. M. The motion did not prevail.

Mr. O'Brien moved that the House do now adjourn, which motion was lost.

Mr. McKean moved to lay the resolution on the table.

Mr. Wright demanded the yeas and nays, which were as follows :

The yeas were Messrs. Abernethy, Abbott, Barnes, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Clark, Close, Conway, Crawford, Dashiell, Dudley, Emery, Flanders, Fry, Gary, Garber, Griffith, Hand, Holden, Joy, Knox, Landes, Maxwell, Mc-

Cullough, McKean, Mills, Olmstead, Russell, Ryan, Serrin, Tracy, Thacher, Thorn, West, Wilson of Jackson, Mr. Speaker—37.

The nays were Messrs. Alcorn, Ballinger, Barker, Bahl, Belt, Bereman, Bolter, Brown of Decatur, Buck, Burnett, Carbee, Comfort, Darwin, Dwelle, Fellows, Finkbine, Gamble, Garrett, Glasgow, Godfrey, Goodrich, Holden, Knapp, Leffingwell, Linderman, Lowdon, Martin, McPherson, McNutt, McLaughlin, Morgan, O'Brien, Poindexter, Rohlf, Runyan, Safely, Sherman, Sipple, Travis, Tisdale, Thomson, Van Leuven, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall—49.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, DeForest, Gaylord, Graves, Huggins, Palmer, Rogers, Sapp, Walden, Williams of Winneshiek—11.

So the motion to lay on the table did not prevail.

Mr. Ryan submitted the following report from the Committee on Enrolled Bills :

MR. SPEAKER: Your Committee on Enrolled Bills have examined Substitute for House File No. 127, An act to amend an act entitled an act to change and fix the time of holding Courts in the Seventh Judicial District, and find the same correctly enrolled.

Your Committee have also received from the Senate Committee on Enrolled Bills Senate File No. 215, An act to legalize the election held by the legal voters of the town of Morning Sun, Louisa county, Iowa, to form an independent school district and the official acts of the officers of said district.

Also Senate File No. 214, An act to legalize the elections and acts of the independent school district of Clinton City. Also Senate File No. 134, An act to amend Section 6 of Chapter 129 of the acts of the Tenth General Assembly. Also Senate File No. 118, An act providing for the adjustment of certain land claims with the General Government, reported by said Committee as correctly enrolled, all of which I herewith present for your signature.

D. RYAN,

Mem. Com. on Enrolled Bills.

Mr. West moved that the House do now adjourn, which prevailed and the House adjourned.

2 O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Clark moved the previous question.

Mr. Tracy moved a call of the House, which was ordered.

The Clerk proceeded to call the roll.

Mr. Morgan moved that further proceedings under the call be suspended, which motion prevailed.

The previous question was seconded.

The question, "Shall the main question be now put?" was decided in the affirmative.

The resolution was lost.

The House resumed consideration of the subject of Constitutional amendments.

Mr. Barker offered the following amendment to the amendment recommended by the committee:

"Add after the word State, in the fourth line, the following, to-wit: 'Nor any person who procured an exemption from the draft by fraud.'"

Upon the adoption of the amendment to the amendment, Messrs. Barker and Van Leuven demanded the yeas and nays, which were as follows:

The yeas were Messrs. Alcorn, Ballinger, Barnes, Barker, Bahl, Bennett, Brown of Decatur, Buck, Close, Comfort, Dudley, Dwelle, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Godfrey, Goodrich, Hand, Holmes, Joy, Knapp, Knox, Lowdon, Martin, Maxwell, McKean, Mills, Morgan, O'Brien, Olmstead, Rohlf, Russell, Ryan, Safely, Serrin, Tracy, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wright, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—51.

The nays were Messrs. Abernethy, Abbott, Bereman, Boomer, Brown of Madison, Brown of Van Buren, Carbee, Clark, Darwin, Dashiell, Emery, Garber, Glasgow, Graves, Griffith, Landes, Leflingwell, McCullough, McLaughlin—19.

Absent or not voting, Messrs. Belt, Bolter, Brown of Louisa, Brown of Winnesheik, Burnett, Conway, Crawford, DeForest, Gaylord, Hale, Holden, Huggins, Linderman, McPherson, McNutt, Palmer, Poindexter, Rogers, Runyan, Sapp, Sherman, Sipple, Thacher, Walden, Wilcox, Wilson of Dubuque, Williams of Des Moines—27.

So the amendment to the amendment was adopted.

On the question of adopting the amendment recommended by the Committee, Mr. Ballinger demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Abbott, Barnes, Belt, Bereman, Bennett, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holden, Joy, Knapp, Knox, Landes, Linderman, Maxwell, McNutt, McCullough, McLaughlin, McKean, Morgan, Rohlf, Russell, Ryan, Serrin, Sherman, Tracy, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Mr. Speaker—59.

The nays were Messrs. Alcorn, Ballinger, Barker, Bahl, Brown of Decatur, Buck, Comfort, Darwin, Fellows, Garber, Holmes,

Leffingwell, Lowdon, Martin, McPherson, O'Brien, Olmstead, Safely, Sipple, Van Leuven, Wright, Wilson of Dubuque—22.

Absent or not voting, Messrs. Boomer, Bolter, Brown of Louisa, Brown of Winneshiek, Conway, Gaylord, Huggins, Mills, Palmer, Poindexter, Rogers, Runyan, Sapp, Thatcher, Walden, Williams of Des Moines—10.

So the amendment prevailed.

Mr. Bolter moved that the further consideration of the subject be postponed until half-past seven this evening, which motion prevailed.

Mr. McNutt moved that when this House adjourns it be until 7½ o'clock this evening.

The motion prevailed.

BILLS ON THIRD READING.

Senate substitute for House File No. 272, A bill for an act to legalize the acts of the board of supervisors of Harrison county in conveying certain swamp lands to soldiers as bounty, was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Sherman, Sipple, Tracy, Thatcher, Travis, Thomson, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, and Mr. Speaker—83.

The yeas were none.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Conway, Garber, Huggins, Martin, Palmer, Rogers, Sapp, Tisdale, Thorn, Van Leuven, Walden, and Williams of Winneshiek—14.

So the bill passed and the title was agreed to.

Mr. Russell moved that House File No. 289, A bill for an act for the purchase and distribution of the second volume of the Iowa Digest, be taken up and considered, which motion prevailed.

The bill was ordered to be read a third time.

Mr. Russell moved that the rule be suspended, and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Barnes, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Van Buren, Burnett, Carbee, Clark, Gamble, Gaylord, Garrett, Glasgow, Godfrey, Goodrich, Graves, Hale, Holmes, Holden, Joy, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Poindexter, Russell, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Van Leuven, West, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Mr. Speaker—48.

The nays were Messrs. Abernethy, Ballinger, Barker, Brown of Decatur, Buck, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gary, Garber, Griffith, Hand, Knapp, Knox, Landes, Lowdon, Martin, Olmstead, Rohlf, Runyan, Ryan, Safely, Serrin, Thomson, Wilcox, Wright, Wilson of Jackson—37.

Absent or not voting, Messrs. Brown of Louisa, Brown of Madison, Brown of Winnesheik, Conway, Huggins, Leffingwell, Palmer, Rogers, Sapp, Thorn, Walden, Williams of Winnesheik—12.

So the bill did not receive a constitutional majority.

UNFINISHED BUSINESS.

House File No. 264, A bill for an act to provide for the refunding certain monies to the 2d and 3d Regiments Iowa Infantry, was further considered.

Mr. Sherman offered the following amendment: Add to Section 1, *Provided*, That no payments shall be made under the provisions of this act, until the General Government refund to the State the amounts stopped against the pay of said Regiments for clothing.

The amendment was adopted.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Brown of Decatur, Brown of Madison, Buck, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holmes, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—67.

The nays were Messrs. Bennett, Boomer, Brown of Van Buren,

Dwelle, Emery, O'Brien, Safely, Serrin, Sipple, Van Leuven, Wilcox, Wright, Mr. Speaker—13.

Absent or not voting, Messrs. Bolter, Brown of Louisa, Brown of Winneshiek, Burnett, Conway, Hale, Hand, Holden, Huggins, Joy, Martin, Palmer, Rogers, Sapp, Travis, Walden, Wilson of Dubuque—17.

So the bill was ordered to be read a third time.

Mr. Gary moved that the rule be suspended and the bill read a third time now.

Upon this question the yeas and nays were demanded and were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Madison, Buck, Burnett, Carbee, Clark, Comfort, Darwin, DeForest, Dudley, Finkbine, Flanders, Fry, Gamble, Garber, Glasgow, Godfrey, Graves, Griffith, Holmes, Holden, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Ryan, Serrin, Sherman, Sipple, Tracy, Tisdale, Thorn, West, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—62.

The nays were Messrs. Bennett, Brown of Van Buren, Crawford, Dashiell, Dwelle, Emery, Fellows, O'Brien, Safely, Thacher, Van Leuven, Wilcox, Wright—13.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Close, Conway, Gaylord, Gary, Garrett, Goodrich, Hale, Hand, Huggins, Joy, Martin, Palmer, Rogers, Runyan, Russell, Sapp, Travis, Thomson, Walden and Wilson of Dubuque—21.

So the motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills, in which the concurrence of the House is asked:

House File No. 260, "A bill for an act to amend Chapter 32 of the acts passed at the regular session of the 9th General Assembly, and Chapter 156 of the acts of said session, amendatory thereof," with amendments as follows: By adding to the title the following words: "relating to the purchase of real estate sold on execution, issued upon judgments rendered in favor of the State or any county." Insert in the 17th line of Sec. 1, after the words "may be," the words, "for the lowest sum possible."

House File No. 249, "A bill for an act making an appropriation to complete and repair the buildings of the State University," with

the following amendment: Insert, in the second line of Section 1, after the word "of," the words, "the State of."

I am further directed to inform your honorable body that the Senate agree to the conference asked by the House, on the disagreeing votes of the two Houses on Senate File No. 217, "A bill for an act for the settlement of certain claims against the General Government," and have appointed Senators Warren, Clark, and Woolson the managers at the said conference on the part of the Senate.

Also, that the Senate refused to concur in the House amendments to Senate File No. 223, "A bill for an act making appropriation for the payment of State and Judicial officers, interest on State bonds and loans, and for other purposes."

JAMES M. WEART, Ass't Sec'y.

The bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Madison, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Finkbine, Flanders, Fry, Gamble, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Poindexter, Rohlf, Ryan, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—65.

The nays were Messrs. Bennett, Emery, Joy, Knapp, McKean, O'Brien, Russell, Safely, Serrin, Travis, Van Leuven, Wilcox, Wright, Mr. Speaker—16.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Conway, Fellows, Gaylord, Gary, Garrett, Huggins, Martin, Palmer, Rogers, Runyan, Sapp, Sipple, Walden, Wilson of Dubuque—16.

So the bill passed, and the title was agreed to.

House File No. 311, with substitute therefor, "A bill for an act making appropriations for the Agricultural College," was taken up and considered.

The substitute recommended by the committee was adopted.

The substitute was considered by sections.

Mr. Dudley moved to amend by adding the following section:

Sec. 8. No part of the appropriation made in this bill shall be drawn from the Treasury until each trustee who qualifies and takes part in the proceedings of the board shall have given bond in the penal sum of \$5,000.00, conditioned that the appropriation herein made of \$91,000 shall fully complete said buildings, which bonds shall be deposited with the Secretary of State.

The amendment was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills, in which the concurrence of the House is asked :

Senate File No. 132, "A bill for an act apportioning the State of Iowa into Senatorial Districts."

House File No. 117, "A bill for an act in relation to county court records," with the following amendment: Strike out, in the sixth line, the words "keep a" and "of."

Also, a concurrent resolution relative to holding a joint convention on Saturday next, at 3 o'clock, which is transmitted herewith, and in which the concurrence of the House is asked :

JAMES M. WEART, Ass't Sec'y.

The bill was ordered to be read a third time.

Mr. Close moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Beremen, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Finkbine, Flanders, Fry, Gaylord, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—72.

The nays were Messrs. Ballinger, Barnes, Bahl, Dudley, Fellows, Gamble, Gary, Garrett, Lowdon, Travis, Van Leuven, Wilson of Dubuque—12.

Absent or not voting, Messrs. Barker, Belt, Bolter, Brown of Decatur, Brown of Louisa, Brown of Winneshiek, Conway, Huggins, O'Brien, Palmer, Rogers, Sipple, Walden—13.

So the bill passed and the title was agreed to,

Mr. Tisdale from the Committee on Enrolled Bills submitted the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House Files Nos. 140, 209, and Substitute for House File No. 215, find them properly enrolled, and I now present them for your signature.

I also have to report that House Files Nos. 127, 140, 209 and Substitute for House File No. 215, after being duly signed by the

Speaker of the House and the President of the Senate have been presented to the Governor for his signature.

G. J. TISDALE, Chairman.

Mr. Dudley moved to amend the title by striking out the words "to complete" and inserting the word "for."

Mr. Hale moved that the testimony taken before the Swamp Land Investigating Committee should not be inserted in the Journal, which motion prevailed.

Mr. Glasgow moved that the House do now adjourn, which motion prevailed and the House adjourned.

7.30 O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Morgan moved that the House resolve itself into a Committee of the Whole, which motion did not prevail.

The House resumed consideration of the amendment offered by Mr. Abernethy to Section 4, Article 3.

Mr. Buck moved that the House do now adjourn, which motion did not prevail.

On the adoption of the amendment Mr. Clark demanded the yeas and nays which were as follows:

The yeas were Messrs. Abernethy, Abbott, Bereman, Bennett, Boomer, Brown of Van Buren, Carbee, Clark, Crawford, Dashiell, Dudley, Dwelle, Emery, Flanders, Glasgow, Godfrey, Goodrich, Graves, Hale, Hand, Holden, Joy, Knapp, Landes, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Olmstead, Poin Dexter, Rohlf, Runyan, Russell, Safely, Serrin, Tracy, Tisdale, Thomson, West, Wilcox, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—45.

The nays were Messrs. Alcorn, Ballinger, Barnes, Bahl, Bolter, Brown of Decatur, Brown of Madison, Buck, Comfort, Darwin, DeForest, Fellows, Finkbine, Fry, Gamble, Gary, Garrett, Garber, Griffith, Holmes, Knox, Linderman, Lowdon, Martin, Morgan, O'Brien, Ryan, Sherman, Travis, Thorn, Van Leuven, Wright, Williams of Des Moines—33.

Absent or not voting, Messrs. Barker, Belt, Brown of Louisa, Brown of Winneshiek, Burnett, Close, Conway, Gaylord, Huggins, Leffingwell, McLaughlin, Palmer, Rogers, Sapp, Sipple, Thacher, Walden, Wilson of Dubuque and Mr. Speaker—19.

So the amendment prevailed.

Mr. Godfrey offered the following amendment:

Add as eighth proposition:

"Strike the word white from section 1, art. 2 thereof: *provided*, That no person who has not, prior to the taking effect of this amendment, exercised the right of suffrage, or been engaged in the

actual military service of the United States, or this State, shall be permitted to vote at any election now or hereafter authorized by law, unless he shall at the time he offers his vote be able to read the constitution of this State, and write his own name."

Mr. Bennett moved that the House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, March 28, 1866.

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Nash.

Journal of yesterday read and approved.

Mr. Ryan submitted the following report from the Committee on Enrolled Bills:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File No. 259, An act to provide for the collection and settlement of the notes and mortgages received by James D. Eads, for money loaned by him out of the permanent School Fund, and of judgments thereon, and find the same correctly enrolled, and herewith present the said bill for your signature.

P. RYAN,

Mem. Committee on Enrolled Bills.

Mr. Sapp asked to be excused for the remainder of the session, after to-day, on account of ill health, which was granted.

Mr. Clark offered the following resolution, which was adopted:

Resolved, That no member shall be permitted to speak to exceed ten minutes on any question that may come before this House, except during the consideration of the special order for to-day, and during the consideration of the special order on Saturday.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills, in which the concurrence of the House is asked.

Substitute for House File No. 6, A bill for an act fixing the fees of Recorders of deeds.

Substitute for House File No. 223, A bill for an act amendatory to an act entitled an act authorizing mill-dams with amendments as follows, viz.: In the fourteenth and fifteenth lines of Section 2, by striking out the words "and testimony," and in the first line

of Section 4, by inseting the words "being deemed of immediate importance."

House File No. 305, A bill for an act to provide for the publication and distribution of the laws of the Eleventh General Assembly of the State of Iowa, with an amendment as follows: By striking out in the seventh line of Section 1, before the word "regular" the word "Eleventh," and inserting in the same line and Section, before the words "General Assembly" the word "Eleventh."

JAMES M. WEART, Ass't Secretary.

By leave, Mr. Sherman offered the following resolution which was adopted:

Resolved, That the Chief Clerk be authorized to employ such additional clerical force for the remainder of the session as may be necessary to keep up the Journal and Engrossing and Enrolling of bills.

Mr. McNutt offered the following resolution which was adopted:

Resolved, That the Committee on Ways and Means be instructed to provide for the payment of \$25.00 to Rev. A. Jacobson for translating the Governor's Message.

Mr. Ballinger moved to reconsider the vote by which the resolution relating to printing the laws in the "Statesman" was lost.

Mr. Dudley moved to lay the motion on the table.

On the motion to lay on the table Mr. Ballinger demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abbott, Barnes, Bereman, Bennett, Boomer, Brown of Van Buren, Carbee, Clark, Close, Conway, Crawford, Dashiell, DeForest, Dudley, Emery, Finkbine, Flanders, Fry, Gaylord, Gary, Garber, Glasgow, Graves, Hand, Holden, Joy, Knapp, Knox, Landes, McKean, Mills, Olmstead, Palmer, Russell, Safely, Serrin, Tracy, Tisdale, Thorn, West, Wilcox, Wilson of Jackson, Williams of Winneshiek, Mr. Speaker—64.

The nays were Messrs. Abernethy, Alcorn, Ballinger, Barker, Bahl, Belt, Bolter, Brown of Decatur, Brown of Madison, Buck, Burnett, Comfort, Darwin, Dwelle, Fellows, Gamble, Garrett, Godfrey, Goodrich, Griffith, Hale, Holmes, Linderman, Lowdon, Maxwell, McPherson, McCullough, Morgan, O'Brien, Rohlf, Runyan, Sherman, Thacher Travis, Thomson, Van Leuven, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall—40.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Huggins, Leffingwell, Martin, McNutt, McLaughlin, Poin Dexter, Rogers, Ryan Sapp, Sipple, Walden—13.

So the motion to lay on the table prevailed.

Mr. Barker moved to reconsider the vote by which House File No. 289, A bill for an act for the purchase and distribution of copies of the second volume of the Iowa Digest was lost, which motion prevailed.

Mr. Barker moved to refer to a Select Committee, which motion prevailed and the Speaker announced Messrs. McKean, Barker, and Holden as such Committee, and the bill was so referred.

REPORTS OF COMMITTEES.

Mr. Sherman from the Committee on Railroads submitted the following report:

The Committee on Railroads have had under consideration a bill for an act to resume all rights conferred upon the Mississippi and Missouri Railroad Company by act approved July 14, 1856, to repeal certain laws relating thereto, and to create a commission with power to provide for carrying out the trust conferred upon the State of Iowa by act of Congress, approved May 15, 1856, and beg leave to report the same to the House for its action.

SHERMAN, Chairman.

House File No. 320, was read a first and second time.

Mr. Sherman moved that the rule be suspended and the bill be considered now, which motion prevailed.

Mr. McNutt moved that the bill be referred to a select committee consisting of one member from each county through which the road passes, and that it be printed.

Pending the consideration of the question, the hour for the special order arrived.

Mr. McPherson moved that the special order be postponed for thirty minutes, which motion prevailed.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order, substitute for Senate File No. 180, A bill for an act regarding the Soldiers' Orphans' Home, was taken up and considered.

Mr. Tisdale from the Committee on Enrolled Bills, submitted the following report:

Your Committee on Enrolled Bills have examined House File No. 123, find the same correctly enrolled, and we herewith respectfully submit the same for your signature.

Your Committee on Enrolled Bills have Senate Files Nos. 145, 218, 106, 107, 222, and substitute for Senate File No. 121, which have been examined and found correctly enrolled by the Senate Committee, and I herewith submit the same for your signature.

G. J. TISDALE, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked :

House File No. 218, A bill for an act to repeal Section 1760 of the Revision of 1860, with the following amendments, viz :

1. By adding to the title "and relating to foreign mutual insurance companies."

2. By adding to Section 1, the words: "*Provided*, That this act shall not be construed so as to prevent mutual life insurance companies incorporated by the laws of other States than the State of Iowa from transacting business within this State, as provided by Chapter 39 of the Acts of the Ninth General Assembly

3. By inserting in first line of Section 2, after the word "act" the words "being deemed of immediate importance."

I am further directed to inform your Honorable Body that the Senate refuses to recede from its amendment to the Joint Resolution appointing Trustees for the Hospital for the Insane, asks a conference as to the disagreeing votes of the two Houses thereon, and has appointed Senators Stiles, Parvin and Doud, managers at the said conference on the part of the Senate.

JAMES M. WEART, Ass't Secretary.

Mr. Holden moved that the House do now adjourn, which motion prevailed, and the House adjourned.

2 O'CLOCK P. M.

The House met pursuant to adjournment.

Mr. Burnett asked leave of absence for Mr. Sipple, for the remainder of the session, which was granted.

The House resumed consideration of substitute for Senate File No. 186, A bill for an act regarding Soldiers' Orphan's Home.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill:

House File No. 258, A bill for an act to amend chapter 172, of the acts of the Ninth General Assembly, passed April 8th, 1862, in relation to Schools, with amendments, in which the concurrence of the House is asked.

JAMES M. WEART,
Assistant Secretary.

Mr. Tisdale, from the Committee on Enrolled Bills, submitted the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills have presented to the Governor for his signature, House Files 259 and 123, the same having been duly signed by the Speaker of this House, and the President of the Senate.

G. J. TISDALE, Chairman.

Mr. Martin moved the previous question which was seconded and the main question ordered.

Upon the adoption of the Substitute the yeas and nays were demanded by Messrs. Burnett and Tracy and were as follows :

The yeas were Messrs. Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Bolter, Brown of Madison, Buck, Comfort, Crawford, Darwin, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine Flanders, Fry, Gamble, Gaylord, Garrett, Garber, Glasgow, Griffith, Holmes, Knapp, Knox, Landee, Leffingwell, Linderman, Martin, Maxwell, McPherson, McCullough, McLaughlin, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Safely, Serrin, Thacher, Thomson, Thorn, Wilcox, Wright, Williams of Des Moines—53.

The nays were Messrs. Abernethy, Boomer, Brown of Decatur, Brown of Van Buren, Burnett, Clark, Close, Conway, Dashiell, Gary, Godfrey, Goodrich, Graves, Hale, Hand, Holden, Joy, Lowdon, McNutt, McKean, Mills, Russell, Ryan, Sherman, Tracy, Travis, Tisdale, Thomson, Van Leuven, West, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—33.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Carbee, Huggins, Morgan, Palmer, Rogers, Sapp, Sipple, Walden, Wilson of Dubuque—11.

So the Substitute was adopted.

Upon the question "shall the bill be read a third time?" the yeas and nays were demanded by Messrs. Burnett and Gary, and were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bereman, Bennett, Bolter, Brown of Madison, Burnett, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek and Mr. Speaker—80.

The nays were Messrs. Belt, Boomer, Brown of Decatur, Brown of Van Buren, Buck, Hale—6.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Carbee, Huggins, Morgan, Palmer, Rogers, Sapp, Van Leuven, Walden and Wilson of Dubuque—11.

So the bill was ordered to be read a third time.

Mr. Bereman moved that the rule be suspended and the bill read a third time now.

The motion prevailed and the bill was read a third time.

Mr. Fellows moved the previous question which was seconded and the investigation ordered.

Upon the question "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Burnett, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—82.

In the negative, Mr. Buck—1.

Absent or not voting, Messrs. Belt, Brown of Louisa, Brown of Winneshiek, Carbee, Gaylord, Huggins, McKean, Mills, Morgan, Palmer, Rogers, Sapp, Sipple, Walden, Wilson of Dubuque—14.

So the bill passed and the title was agreed to.

By leave Mr. Hale offered the following resolution, which was adopted :

Resolved, That the Committee on Ways and Means be instructed to incorporate in the General Appropriation Bill one hundred dollars for H. A. Copeland, as a witness before the investigating committee, and two and 35-100th dollars for telegram to him to appear before said committee, in favor of G. W. Drake, telegraph operator in Des Moines, Iowa.

Mr. Finkbine moved that the House do now concur in the Senate amendments to the title of the following bill : House File 249, A bill for an act making appropriations to complete and repair the building of the State University.

The motion prevailed :

The House resumed consideration of House File No. 320, A bill for an act to resume all rights conferred upon the Mississippi and Missouri Railroad Company, by act approved July 14th, 1856, to repeal certain laws in relation thereto, and to create a commissioner with power to provide for carrying out the trust conferred upon the State of Iowa by act of Congress, approved May 15th, 1856.

The question being on Mr. McNutt's motion to refer to a special committee, the motion did not prevail.

Mr. Bereman moved to postpone further consideration of the bill until Saturday, at 10 A. M., and print. The motion prevailed.

By leave, Mr. Finkbine, from the Committee on Ways and Means, reported back House File No. 308, A bill for an act for the increase and arrangement of the State library, with the recommendation that it do pass.

Mr. Glasgow moved that when this House adjourn, it be until 7 o'clock and 30 minutes P. M. The motion prevailed.

By leave, Mr. Close submitted the following bill: House File No. 321, A bill for an act to empower the Board of Supervisors to make an appropriation for monumental purposes, and to levy a tax for the same, which was read a first and second time.

Referred to the Committee on Military Affairs.

Mr. Joy, from the Committee on Compensation of Public Officers, submitted the following report:

A majority of the Special Committee, to whom was referred Senate File No. 210, entitled An act to prevent Indian depredations, have had the same under consideration, and propose the following amendments, to-wit:

Insert, after the word reservation, in the fourth line in the first section, 'or residence.'

Strike out of section four all after the word State, in the twelfth line in said section; also strike out the fifth section; and as amended, recommend that the same do pass.

JOY, Chairman.

Mr. Sherman from the Committee on Railroads submitted the following report:

The Committee on Conference appointed on Senate disagreement of House amendment to Senate File No. 207, beg leave to report that as the result of the conference with the Senate Committee, the joint committee agreed that the House amendment should stand.

We therefore recommend that the House insist on its amendment to Section 3 of Senate File No. 217.

SHERMAN, Chairman.

The recommendation of the Committee was concurred in.

The Committee also beg leave to report, that in their opinion no legislation is required on the subject contained in Mr. Wilcox's Resolution referred to us, inasmuch as no public money passes into the hands of said Commissioner.

SHERMAN, Chairman.

Mr. McNutt from the Special Committee on the Indian bill submitted the following minority report:

The undersigned minority of the Special Committee to whom was referred Senate File No. 210, A bill for an act to prevent Indian trespass and depredations, begs leave to dissent from the report of the majority on said bill, because he thinks that the objects sought to be obtained by the bill are now provided for by the laws of the United States, and the Indian trespass complained of, will be abated by the enforcement of those laws.

I further object to the above bill, because, its enactment would be a species of *class legislation* against the poor Indian, repugnant to the spirit of the age in which we live, and I am of the opinion that the provision of the bill should not be engrafted upon the

statutes of Iowa, and therefore recommend that the bill be indefinitely postponed.

SAMUEL McNUTT.

By leave Mr. Goodrich called up House File No. 318, A bill for an act in relation to swamp lands.

The bill was considered by sections.

Mr. Finkbine moved to amend Section 1 by adding thereto the words "and for the payment of any debts contracted by any county prior to the passage of this act."

The amendment was adopted.

Mr. Dashiell moved to strike out the last section.

The motion did not prevail.

Mr. Clark moved to postpone the further consideration of the subject until 9 o'clock to-morrow morning.

The motion to postpone prevailed.

PETITIONS.

Mr. Serrin presented a petition numerously signed by John Smith and others of Iowa County, praying the present Legislature to memorialize Congress to aid the construction of the St. Louis and Cedar Rapids Railroad, which was referred to Committee on Railroads.

Mr. Sapp presented a petition from Mr. Garner and others, of Pottawattamie county, praying the passage of an act legalizing certain orders issued by the trustees of Kane township in said county.

Mr. Bereman moved that the House do now adjourn, which motion prevailed, and the House adjourned.

7 O'CLOCK, P. M.

House met pursuant to adjournment.

SPECIAL ORDER.

House File No. 192, A bill for an act to permanently locate the Institution for the Deaf and Dumb at Des Moines, and to provide for the erection of buildings, &c.

The question before the House being the amendment of Mr. Finkbine to locate the Institution at Iowa City, and Mr. Wilson's (of Marshall) amendment to the amendment to locate the Institution at Marshalltown, Mr. Sapp introduced a substitute for the bill.

The amendment to the amendment did not prevail.

The question recurring on the amendment, Mr. Thomson moved to strike out "Iowa City," and insert "Winterset." Lost.

Mr. McNutt moved to strike out "Iowa City," and insert "Muscatine." Lost.

Mr. Holden moved to strike out "Iowa City," and insert "Washington." Lost.

Mr. Glasgow moved to strike out Iowa City, and insert Corydon, which motion did not prevail.

Mr. Gamble moved to strike out Iowa City, and insert Knoxville, which motion did not prevail.

Mr. Hand moved to strike out Iowa City, and insert Ft. Dodge, which motion did not prevail.

Mr. Brown, of Decatur, moved to strike out Iowa City, and insert Garden Grove.

The motion was lost.

Mr. Van Leuven moved to strike out Iowa City, and insert Pella.

The motion was lost.

Mr. Close moved to strike out Iowa City, and insert Waterloo, which did not prevail.

Mr. O'Brien moved to strike out Iowa City, and insert Dubuque, which was lost.

Mr. McNutt moved to strike out "Iowa City," and insert "West Liberty." Lost.

The question recurring on the amendment offered by Mr. Finkbine, it was lost.

Mr. Brown offered the following amendment to Section 2:

"Amend by striking out that part which relates the appointment of three Commissioners, and insert five Commissioners, making it their duty to accept propositions for the location with proposed donations for the same, and make it the duty of said Commissioners to report to the next General Assembly."

The amendment did not prevail.

The question being on the adoption of the substitute.

Mr. Sapp demanded the yeas and nays, which were as follows:

The yeas were Messrs. Bahl, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Burnett, Carbee, Clark, Comfort, Conway, Crawford, Dudley, Finkbine, Flanders, Glasgow, Graves, Griffith, Hand, Holden, Joy, Knox, Lowdon, Maxwell, McPherson, McNutt, Mills, O'Brien, Olmstead, Sapp, Serrin, Thomson, West, Williams of Des Moines, Wilson of Marshall, Williams of Winnesheik—37.

The nays were Messrs. Abbott, Alcorn, Ballinger, Brown of Madison, Close, DeForest, Dwelle, Emery, Fry, Gary, Garrett, Godfrey, Holmes, Knapp, Landes, McCullough, McLaughlin, McKean, Morgan, Poindexter, Russell, Ryan, Safely, Sherman, Tracy, Thacher, Tisdale, Van Leuven, Wilson of Jackson, Mr. Speaker—30.

Absent or not voting, Messrs. Abernethy, Barnes, Barker, Belt, Bereman, Brown of Louisa, Brown of Winnesheik, Buck, Darwin, Dashiell, Fellows, Gamble, Gaylord, Goodrich, Hale, Huggins,

Leffingwell, Linderman, Martin, Palmer, Rohlf, Rogers, Runyan, Sipple, Travis, Thorn, Walden, Wilcox, Wright, and Wilson of Dubuque—30.

So the substitute was adopted.

Ordered that the bill be engrossed and read a third time.

Mr. Van Leuven moved that the rule be suspended, and bill read a third time now, which motion did not prevail.

Mr. Joy moved that the rule be suspended, and the House take up Senate File 210, A bill for an act to prevent Indian trespasses and depredations.

The motion did not prevail.

The regular order of business being resumed, the House proceeded to the consideration of the move of constitutional amendment.

Pending the consideration of this question, Mr. West moved that the House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF HOUSE OF REPRESENTATIVES, }
DES MOINES, March 30, 1866. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Rev. Mr. Winans.

In consequence of the illness of the Speaker, Mr. Hale was called to the chair, and authorized to act as Speaker.

Mr. West moved that the reading of the Journal be dispensed with, which motion prevailed.

By leave, Mr. Sapp introduced House File No. 322, A bill for an act conferring additional powers upon the Board of Supervisors of each county in this State, in relation to Township Road Orders, which was read a first and second time, and referred to the Committee on County and Township Organization.

By leave, Mr. Wilson of Dubuque offered the following concurrent resolution :

WHEREAS, The General Assembly of the State of Iowa has by resolution determined to adjourn the present session on the 3d day of April next, therefore

Resolved by the House of Representatives of the State of Iowa, the Senate concurring, That the hour of such final adjournment is fixed at 1 o'clock, A. M., on said 3d day of April.

Mr. Van Leuven moved the previous question, which was seconded, and the main question ordered.

Upon the question of the adoption of the resolution, Messrs.

Van Leuven and O'Brien demanded the yeas and nays, which were as follows :

The yeas were Messrs. Abbott, Ballinger, Bahl, Belt, Bereman, Boomer, Bolter, Brown of Madison, Burnett, Carbee, Clark, Conway, Darwin, Dwelle, Emery, Fellows, Fry, Gamble, Gary, Garber, Glasgow, Graves, Griffith, Hale, Hand, Holmes, Knox, Liuderman, Lowdon, McNutt, McLaughlin, McKean, Olmstead, Poin Dexter, Rohlf, Runyan, Ryan, Tracy, Tisdale, Thorn, Van Leuven, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—47.

The nays were Messrs. Abernethy, Barnes, Barker, Bennett, Brown of Decatur, Brown of Van Buren, Buck, Close, Comfort, Crawford, Dashiell, DeForest, Dudley, Flanders, Garrett, Godfrey, Goodrich, Holden, Joy, Knapp, Landes, Leffingwell, Martin, Maxwell, McPherson, McCullough, Mills, Morgan, Russell, Safely, Serrin, Sherman, Travis, Thomson, West, Wilcox, Williams of Des Moines—37.

Absent or not voting, Messrs. Alcorn, Brown of Louisa, Brown of Winneshiek, Finkbine, Gaylord, Huggins, Palmer, Rogers, Sapp, Sipple, Thacher, Walden, and Mr. Speaker—13.

So the resolution was adopted.

Mr. Bennett moved that a committee of conference on the subject of the disagreement of the two Houses upon the Joint Resolution appointing Trustees of the Hospital for the Insane, be appointed.

The motion prevailed, and the Speaker, *pro tem.*, appointed Messrs. Burnett, Morgan and Tisdale.

By leave, Mr. Tracy offered the following resolution, which was adopted :

Resolved by the General Assembly of the State of Iowa, That the Secretary of State be directed to furnish to each member of the present General Assembly a set of the reports of the Secretary of the State Agricultural Society, as far as practicable without further expense to the State.

SENATE MESSAGES.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to inform your Honorable Body that the Senate has passed the following resolution in which the concurrence of the House is asked :

Joint Resolution for Executive Committee to secure appropriation from Congress for the improvement of the upper and lower rapids of the Mississippi river.

JAMES M. WEART, Ass't Secretary.

UNFINISHED BUSINESS.

The House resumed the consideration of the proposed Constitutional amendments; the question being on the following resolution offered by Mr. Darwin, and amended by the House, a proposal to amend the Constitution of the State of Iowa:

Be it resolved by the General Assembly of the State of Iowa, That the following amendments to the Constitution of the State of Iowa are hereby proposed:

1. Strike the word "white" from Sec. 1 of Article 2 thereof.
2. Strike the word "white" from Sec. 4 of Article 3 thereof.
3. Strike the word "white" from Sec. 33 of Article 3 thereof.
4. Strike the word "white" from Sec. 34 of Article 3 thereof.
5. Strike the word "white" from Sec. 35 of Article 3 thereof.
6. Strike the word "white" from Sec. 1 of Article 6 thereof.
7. Strike the words "citizens of the United States" from Sec. 1 of Article 2 thereof, and insert instead thereof the word "person."

Mr. Godfrey offered the following amendment to the 8th proposition as formerly offered by him. Add: *Provided*, that this article shall not apply to citizens of foreign birth who may be able to read and write in their own language.

Mr. McNutt offered the following amendment, being a substitute for the Resolution:

Be it resolved by the General Assembly of the State of Iowa, That it is hereby proposed to amend the Constitution of the State of Iowa as follows, to wit:

Strike the word "white" from section 1 of article 2 thereof.

Mr. Godfrey moved that the consideration of the special order be postponed until the question on the amendments to the Constitution is disposed of.

The motion to postpone prevailed.

Mr. Conway moved to refer the proposed amendments with instructions as follows:

That the 1st, 2d, 3d, 4th, and 5th amendments to the Constitution proposed in the Resolution introduced by Mr. Darwin be so amended as to extend the right of suffrage to the following classes of blacks only, to-wit:

1. Those who have been in the military service of the United States and have been honorably discharged.
2. Those who can read and write in the English language.
3. Those who own and pay taxes on property to the amount of _____ dollars, and that the Committee be instructed to report this matter to the House to-morrow morning.

The motion to refer did not prevail.

Mr. Bennett moved the previous question, which was seconded and the main question ordered.

Mr. Godfrey's amendment being before the House Mr. Travis demanded the yeas and nays which were as follows:

The yeas were Messrs. Abbott, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Carbee, Close, Comfort, Conway, Crawford, DeForest, Dudley, Finkbine, Fry, Garrett, Godfrey, Goodrich, Hale, Holden, Joy, Landes, McCullough, McKean, Mills, Morgan, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Tracy, Thatcher, Travis, Van Leuven, West, Wilson of Jackson—37.

The nays were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bolter, Brown of Decatur, Buck, Burnett, Clark, Darwin, Dashiell, Dwelle, Emery, Fellows, Flanders, Gamble, Gary, Garber, Glasgow, Graves, Griffith, Hand, Holmes, Knapp, Knox, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McLaughlin, O'Brien, Olmstead, Runyan, Russell, Tisdale, Thomson, Thorn, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek—49.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Gaylord, Huggins, Palmer, Rogers, Sapp, Sherman, Sipple, Walden, Mr. Speaker—11.

So the amendment was lost.

The question being on the adoption of Mr. McNutt's amendment, Mr. McNutt demanded the yeas and nays, which were as follows:

The yeas were Messrs. Barnes, Belt, Bennett, Carbee, Close, Dashiell, DeForest, Finkbine, Flanders, Fry, Gary, Garber, Godfrey, Hale, Knapp, Linderman, Maxwell, McNutt, Morgan, Poin-dexter, Rohlf, Runyan, Serrin, Sherman, Thomson, Thorn, West, Williams of Des Moines—28.

The nays were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Clark, Comfort, Conway, Crawford, Darwin, Dudley, Dwelle, Emery, Fellows, Gamble, Glasgow, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knox, Landes, Leffingwell, Lowdon, Martin, McPherson, McCullough, McLaughlin, McKean, Mills, O'Brien, Olmstead, Russell, Ryan, Safely, Tracy, Thatcher, Travis, Tisdale, Van Leuven, Wilcox, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—58.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Gaylord, Garrett, Huggins, Palmer, Rogers, Sapp, Sipple, Walden, and Mr. Speaker—11.

So the amendment was lost.

The question recurring upon Mr. Darwin's resolutions, Mr. Finkbine called for a division of the question, which was ordered, and the question being on the first proposition, the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Barnes, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van

Buren, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Fellows, Finkbine, Flanders, Fry, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Lefingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—69.

The nays were Messrs. Alcorn, Ballinger, Barker, Bahl, Bolter, Brown of Decatur, Buck, Comfort, Fellows, Gamble, Garrett, Lowdon, Martin, O'Brien, Travis, Van Leuven, Wright, Wilson of Dubuque—18.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Gaylord, Huggins, Palmer, Rogers, Sapp, Sipple, Walden, and Mr. Speaker—10.

So the first proposition was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bill :

House File No. 250, A bill for an act to quiet the title to certain lands sold by the State to individuals as part of the Des Moines River Land Grant, with amendments, in which the concurrence of the House is respectfully asked.

JAMES M. WEART, Ass't Secretary.

The question being on the second proposition, the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Belt, Bereman, Bennett, Boomer, Brown of Van Buren, Burnett, Carbee, Clark, Crawford, Dashiell, Dudley, Dwelle, Emery, Flanders, Fry, Glasgow, Goodrich, Graves, Hand, Holden, Landes, Maxwell, McPherson, McCullough, McLaughlin, McKean, Mills, Olmstead, Poindexter, Rohlf, Runyan, Russell, Safely, Tracy, Tisdale, Wilcox, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—41.

The nays were Messrs. Alcorn, Ballinger, Barnes, Barker, Bahl, Bolter, Bolter, Brown of Decatur, Brown of Madison, Buck, Close, Comfort, Conway, Darwin, DeForest, Fellows, Finkbine, Gamble, Gary, Garrett, Garber, Godfrey, Griffith, Hale, Holmes, Joy, Knapp, Knox, Lefingwell, Linderman, Lowdon, Martin, McNutt, Morgan, O'Brien, Rogers, Ryan, Serrin, Sherman, Thacher, Travis, Thomson, Thorn, Van Leuven, Walden, West, Wright, Wilson of Dubuque, Williams of Des Moines—46.

Absent or not voting, Messrs. Brown of Louisa, Brown of Win-

neshiek, Gaylord, Huggins, Palmer, Rogers, Sapp, Sipple, Walden and Mr. Speaker—10.

So the second proposition was lost.

The question being on the third proposition, the yeas and nays were as follows :

The yeas were Messrs. Abbott, Barnes, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—68.

The nays were Messrs. Abernethy, Alcorn, Ballinger, Barker, Bahl, Bolter, Brown of Decatur, Brown of Winneshiek, Buck, Comfort, Fellows, Gamble, Lowdon, Martin, O'Brien, Sherman, Van Leuven, Wright, Wilson of Dubuque—18.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Godfrey, Gaylord, Huggins, Palmer, Rogers, Sapp, Sipple, Walden, Mr. Speaker—11.

So the third proposition was adopted.

The question being on the adoption of the fourth proposition, the yeas and nays were as follows :

The yeas were Messrs. Abbott, Barnes, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gary, Garrett, Garber, Glasgow, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McPherson, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—66.

The nays were Messrs. Abernethy, Alcorn, Ballinger, Barker, Bahl, Bolter, Brown of Decatur, Buck, Close, Comfort, Fellows, Gamble, Godfrey, Lowdon, Martin, O'Brien, Sherman, Van Leuven, Wright, Wilson of Dubuque—20.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Gaylord, Huggins, McNutt, Palmer, Rogers, Sapp, Sipple, Walden, Mr. Speaker—11.

So the fourth proposition was adopted.

The question being on the adoption of the fifth proposition, the yeas and nays were as follows :

The yeas were Messrs. Abbott, Barnes, Belt, Bereman, Bennett,

Boomer, Brown, of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—66.

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barker, Bahl, Bolter, Brown of Decatur, Buck, Close, Comfort, Fellows, Gamble, Godfrey, Lowdon, Martin, O'Brien, Sherman, Van Leuven, Wright, Wilson of Dubuque—20.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Gaylord, Holden, Huggins, Palmer, Rogers, Sapp, Sipple, Walden and Mr. Speaker—11.

So the fifth proposition was adopted,

The question being on the adoption of the sixth proposition, the yeas and nays were as follows :

The yeas were Messrs. Abbott, Barnes, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—66.

The nays were Messrs. Abernethy, Alcorn, Ballinger, Barker, Bahl, Bolter, Brown of Decatur, Buck, Close, Comfort, Fellows, Gamble, Godfrey, Lowdon, Martin, O'Brien, Sherman, Van Leuven, Wright, Wilson of Dubuque—20.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Gaylord, Holden, Huggins, Balmer, Rogers, Sapp, Sipple, Walden, and Mr. Speaker—11.

So the sixth proposition was adopted.

The question being on the adoption of the seventh proposition, the yeas and nays were as follows :

The yeas were Messrs. Alcorn, Bereman, Brown of Van Buren, Darwin, Flanders, Gamble, Garber, Goodrich, Holmes, Knox, Linderman, Maxwell, O'Brien, Thacher, Wilson of Dubuque, Williams of Des Moines—16.

The nays were Messrs. Abernethy, Abbott, Ballinger, Barnes, Barker, Bahl, Belt, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Buck, Burnett, Carbee, Clark, Close, Comfort,

Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gary, Garrett, Glasgow, Godfrey, Graves, Griffith, Hale, Hand, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Tracy, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—71.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Gaylord, Huggins, Palmer, Rogers, Sapp, Sipple, Walden and Mr. Speaker—10.

So the seventh proposition was lost.

The question being on the adoption of the following amendment, proposed by the committee, and heretofore amended by the House: Add to Sec. 5, of Art. 2, the following words: "Nor shall any person who has committed, or may hereafter commit, the crime of treason against the United States or this State, nor any person who has absconded, or may hereafter abscond, for the purpose of avoiding any military conscription or draft ordered by the authority of the United States or this State, nor any person who procured an exemption from draft by fraud, be entitled to the privilege of an elector, or qualified to hold any office under the Constitution and laws of this State. In order that the provisions of this section may be effectually enforced, the legislature may, by law, prescribe a suitable oath to be taken, under such limitations as it may deem proper, by persons offering to qualify for office or to vote, to the effect that they are not subject to the disabilities of this section," the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Barnes, Belt, Berman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Landes, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—68.

The nays were Messrs. Alcorn, Ballinger, Barker, Bahl, Bolter, Brown of Decatur, Buck, Burnett, Fellows, Garber, Knox, Lowdon, Martin, O'Brien, Safely, Van Leuven, Wright, and Wilson of DuBuque—18.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Gaylord, Huggins, Palmer, Rogers, Sapp, Serrin, Sipple, Walden, and Mr. Speaker—11.

So the proposition was adopted.

The question being on the engrossment of the following bill, House File No. 138, introduced by the Committee, for an act to provide for due reference and publication of proposals to amend the Constitution of the State of Iowa, it was ordered to be engrossed and read a third time.

Mr. Bennett moved that the rule be suspended and the bill read a third time now, which motion prevailed and the bill was read a third time, and on the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Barnes, Belt, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Camble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—69.

The nays were Messrs. Alcorn, Ballinger, Barker, Bahl, Bolter, Brown of Decatur, Buck, Comfort, Fellows, Fry, Lowdon, Martin, O'Brien, Van Leuven, Wright, Wilson of Dubuque—16.

Absent or not voting, Messrs. Brown of Louisa, Brown of Winneshiek, Gaylord, Garrett, Huggins, Palmer, Rogers, Sapp, Sipple, Travis, Walden, Mr. Speaker—12.

So the bill passed and the title was agreed to.

Mr. Belt was excused from attendance on the remainder of the session, on account of sickness in his family.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order, Mr. West moved to postpone the special order.

The motion to postpone did not prevail.

The House then took up House File 318, A bill for an act in relation to swamp lands.

Mr. Bennett moved that the bill be laid upon the table, on which question, Messrs. Goodrich and Fellows demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abbott, Alcorn, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Buck, DeForest, Fry, Graves, Knapp, Leffingwell, Mills, Morgan, Thacher, Thorn, Van Leuven, Wright—14.

The nays were Messrs. Abernethy, Barker, Bahl, Bolter, Brown of Decatur, Burnett, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Fellows, Finkbine,

Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Griffith, Hale, Hand, Holmes, Holden, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McKean, O'Brien, Olmstead, Poindexter, Rohlf, Ryan, Safely, Serrin, Sherman, Tracy, Travis, Tisdale, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—61.

Absent or not voting, Messrs. Ballinger, Barnes, Belt, Brown of Louisa, Brown of Winneshiek, Carbee, Conway, Gamble, Gaylord, Huggins, Holmes, McLaughlin, Palmer, Rogers, Runyan, Russell, Sapp, Sipple, Thomson, Walden, Williams of Winneshiek, Mr. Speaker—22.

So the motion to lay on the table did not prevail.

Mr. Clark offered the following amendment to section four: Insert, after 1864, "Provided further that nothing in this act contained shall be so construed as to affect, or in any manner impair the rights secured prior to the passage of this act, to any railroad company, by a vote of the people, whereby any county in this State may have donated their swamp land interest to aid in the construction of railroads.

Ordered that the bill be engrossed and read a third time.

Mr. Clark moved that the rule be suspended and the bill read a third time now, which motion prevailed and the bill was read a third time, and on the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Buck, Burnet, Carbee, Clark, Close, Comfort, Conway, Crawford, Dashiell, DeForest, Dudley, Emery, Fellows, Finkbine, Flanders, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knox, Landes, Lefinwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McLaughlin, McKean, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Russell, Ryan, Safely, Tracy, Thacher, Tisdale, Thomson, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—67.

The nays were Messrs. Bennett, Fry, Hale, Knapp, McPherson, Mills, Safely, Serrin, Sherman, Thorn—9.

Absent or not voting, Messrs. Ballinger, Barker, Belt, Bolter, Brown of Decatur, Brown of Louisa, Brown of Winneshiek, Darwin, Dwell, Gamble, Gaylord, Huggins, McCullough, Palmer, Rogers, Runyan, Sapp, Sipple, Travis, Walden, and Mr. Speaker—21.

So the bill passed and the title was agreed to.

Mr. Finkbine moved that the House proceed to the election of a Speaker, *pro tem.*, which motion prevailed.

Nominations being in order, Mr. Dashiell nominated Hon. Wm. Hale of Mills county.

No other nominations being made, the roll was called with the following result:

Whole number of votes cast.....	73
Necessary to a choice.....	37
Mr. Hale received.....	69
Scattering.....	4

Hon. Wm. Hale having received a majority of all the votes cast was declared duly elected Speaker, *pro tem*.

Those gentlemen voting for Mr. Hale were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Bereman, Bennett, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thatcher, Travis, Tisdale, Thomson, Thorn, West, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—69.

By leave, Mr. Griffith introduced House File No. 323, A bill for an act to legalize the levy of taxes by the City Council of Indianola, for the year 1865, which was read a first and second time.

Mr. Griffith moved that the bill be engrossed and read a third time, which motion prevailed.

Mr. Griffith moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time, and upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thatcher, Travis, Tisdale, Thomson, Thorn, West, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—82.

The nays were none.

Absent, or not voting, Messrs. Baker, Bahl, Belt, Brown of

Louisa, Brown of Winneshiek, Finkbine, Haggins, Palmer, Rogers, Sipple, Van Leuven, Walden, Wilcox, Wilson of Dubuque, Mr. Speaker—15.

So the bill passed, and the title was agreed to.

Mr. O'Brien moved that the House do now adjourn, which motion did not prevail.

House File No. 312, A bill for an act making further appropriation for the Hospital for the Insane, was taken up, and considered.

Mr. Fry moved to strike out all that portion of the bill which relates to the purchase of real estate.

Mr. Bereman moved that the House do now adjourn, which motion prevailed and the House adjourned.

2 O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Russell moved a call of the House which was seconded.

The clerk proceeded to call the roll.

Mr. Dashiell moved that further proceedings under the call be suspended, which motion was lost.

Mr. Crawford moved that the Speaker appoint a Sergeant-at-Arms *pro tem*, which motion prevailed.

The Speaker appointed the Ass't. P. M. as Sergeant-at-Arms *pro tem*.

Mr. Wilson of Jackson moved that further proceedings under the call be suspended.

The motion prevailed.

By leave, Mr. Glasgow from the Committee on Military Affairs, submitted the following report:

Your Committee on Military Affairs have had under consideration House File No. 321, A bill for an act empowering the Board of Supervisors to make an appropriation for monumental purposes and to levy a tax for the same, and have instructed me to report the same back to the House with the recommendation that it pass.

GLASGOW, Chairman.

The House resumed consideration of House File No. 312, A bill for an act making further appropriation for the hospital for the Insane.

The pending question being the motion of Mr. Fry to amend by striking out all that relates to the purchase of real estate.

On this question Mr. Fry demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bahl, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Conway, Dashiell, DeForest, Dudley, Dwelle, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Graves, Griffith, Hand,

Landes, Linderman, Lowdon, Martin, McNutt, McCullough, McKean, O'Brien, Poindexter, Rohlf's, Russell, Ryan, Safely, Sherman, Travis, Thorn, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—42.

The nays were Messrs. Ballinger, Bereman, Bennett, Boomer, Burnett, Close, Comfort, Crawford, Darwin, Emery, Finkbine, Flanders, Glasgow, Goodrich, Hale, Holmes, Joy, Knox, Leffingwell, Maxwell, McPherson, McLaughlin, Mills, Morgan, Olmstead, Runyan, Tracy, Thacher, Tisdale, Thomson, West, Wilcox, Williams of Des Moines—36.

Absent or not voting, Messrs. Barker, Brown of Louisa, Brown of Winneshiek, Carbee, Clark, Fellows, Godfrey, Holden, Huggins, Knapp, Palmer, Rogers, Sapp, Sipple, Van Leuven, Walden, Mr. Speaker—19.

So the amendment prevailed.

Ordered that the bill be read a third time.

Mr. Bennett moved that the rule be suspended and the bill read a third time now.

The motion prevailed, and the bill was read a third time.

Mr. Goodrich moved to amend Section 1 by striking out \$35,150.00, and insert \$27,000.00.

The amendment was adopted by unanimous consent.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Joy, Knox, Landes, Leffingwell, Linderman, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf's, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—67.

The nays were Messrs. Barnes, Bahl, Bolter, Brown of Decatur, Buck, Garrett, Lowdon, Martin, Travis, Wright—10.

Absent or not voting, Messrs. Barker, Belt, Brown of Louisa, Brown of Winneshiek, Fellows, Gaylord, Holden, Huggins, Knapp, McPherson, O'Brien, Palmer, Rogers, Sapp, Sipple, Van Leuven, Walden, Wilson of Dubuque, Wilson of Marshall, and Mr. Speaker—20.

So the bill passed and the title was agreed to.

Mr. Leffingwell moved that House File No. 282, "A bill for an act constituting the mayor and council of any incorporated towns or cities a board of health, and defining their duties," be taken up and considered.

The motion prevailed.

The amendment recommended by the committee was adopted.

Mr. Dashiell moved to amend Sec. 9 by striking out all that relates to the punishment both by fine and imprisonment.

The motion prevailed.

Ordered that the bill be read a third time.

Mr. Leffingwell moved that the rule be suspended, and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Fellows, Finkbine, Flanders, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knox, Landes, Leffingwell, Lowdon, Maxwell, McPherson, McNutt, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, and Williams of Winneshiek—73.

The nays were none.

Absent or not voting, Messrs. Barnes, Belt, Brown of Louisa, Brown of Winneshiek, Clark, Emery, Fry, Gamble, Gaylord, Garrett, Higgins, Knapp, Linderman, Martin, McCullough, O'Brien, Palmer, Rogers, Russell, Sipple, Van Leuven, Walden, Wilson of Dubuque, Mr. Speaker—24.

So the bill passed and the title was agreed to.

Mr. Ryan submitted the following report from the Committee on Enrolled Bills:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File No. 125, an act making a further appropriation for the Asylum for the Blind.

Also, substitute for House File No. 96, an act to amend Sections 710 and 312 of the Revision of 1860.

Also, Senate substitute for House File No. 222, an act to amend Section 3304, Chapter 125 of the Revision of 1860.

Also, Senate substitute for House File No. 272, an act to legalize the acts of the board of supervisors of Harrison county in conveying certain swamp lands to soldiers as bounties.

Also, House File No. 249, an act making an appropriation to complete and repair buildings of the State University; and find the same correctly enrolled.

Your Committee have also received from the Senate Committee on Enrolled Bills, Senate File No. 224, reported by said Committee as correctly enrolled.

All of which I herewith present for your signature.

RYAN, Mem. Com. on En. Bills.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has concurred in the House resolution relative to the hour of final adjournment.

JAMES M. WEART, Ass't Secretary.

BILLS ON THIRD READING.

Substitute for House File No. 192, A bill for an act to permanently locate the Institution for the Deaf and Dumb at Des Moines and to provide for the erection of buildings, &c., was read a third time.

Mr. Poindexter moved that the bill be indefinitely postponed, on which question Mr. Sapp demanded the yeas and nays which were as follows:

The yeas were Messrs. Alcorn, Boomer, Brown of Madison, Buck, Carbee, Close, Dashiell, DeForest, Dwelle, Emery, Fry, Gary, Godfrey, Landes, McCullough, McKean, Morgan, Poindexter, Sherman, Tisdale, Wilcox, Wilson of Dubuque, Wilson of Jackson—24.

The nays were Messrs. Abbott, Ballinger, Barnes, Bahl, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Van Buren, Burnett, Comfort, Crawford, Darwin, Dudley, Fellows, Finkbine, Flanders, Gamble, Garber, Glasgow, Goodrich, Graves, Hale, Hand, Holden, Joy, Knox, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, Mills, O'Brien, Olmstead, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Tracy, Thacher, Travis, Thomson, Thorn, West, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—52.

Absent or not voting, Messrs. Abernethy, Ballinger, Barker, Belt, Brown of Louisa, Brown of Winneshiek, Clark, Conway, Gaylord, Garrett, Huggins, Knapp, Martin, McLaughlin, Palmer, Rogers, Russell, Sipple, Van Leuven, Walden, Mr. Speaker—21.

So the motion to indefinitely postpone did not prevail.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Barnes, Barker, Bahl, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Comfort, Crawford, Darwin, Dudley, Emery, Fellows, Gamble, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holden, Joy, Knox, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, Mills, O'Brien, Olmstead, Rohlf, Runyan, Sapp, Safely, Serrin, Tracy, Thacher, Thomson, Thorn, West, Wright,

Wilson of Dubuque, Wilson of Marshall, Williams of Winneshiek—51.

The nays were Messrs. Alcorn, Boomer, Brown of Madison, Carbee, Close, Dashiell, DeForest, Dwelle, Finkbine, Flanders, Fry, Gary, Godfrey, Holmes, Landes, McCullough, McKean, Poindexter, Ryan, Sherman, Travis, Tisdale, Wilcox, Williams of Des Moines, Wilson of Jackson—25.

Absent or not voting, Abernethy, Ballinger, Belt, Brown of Louisa, Brown of Winneshiek, Clark, Conway, Gaylord, Garrett, Huggins, Knox, McPherson, Morgan, Palmer, Rogers, Russell, Van Leuven, Walden, Mr. Speaker—21.

So the bill passed and the title was agreed to.

Mr. McNutt moved to reconsider the vote by which the bill passed and to lay that motion on the table, which motion prevailed.

By leave, Mr. Darwin moved that Senate File No. 123, A bill for an act to amend Chapter 44, of the acts of the Tenth General Assembly, be taken up and considered.

The motion prevailed.

Mr. Dashiell moved to amend by adding the following to Section 1:

Provided, Said preferred stock issued shall not exceed the sum of \$10,000.00 for each mile of railroad constructed by any such company, which was adopted.

Mr. Dashiell moved to amend by inserting "except the enacting clause," after "44," in fourth line, which motion prevailed.

Mr. McNutt moved to add to Section 1, "*Provided further*, That said preferred stock shall not operate against any stock holders not consenting to the issuing of said stock.

The amendment did not prevail.

Ordered that the bill be read a third time.

Mr. Holden moved a call of the House, which was ordered, and the Clerk proceeded to call the roll.

Mr. Tisdale moved that further proceedings under the call be suspended, which motion prevailed.

Mr. Holden moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Leffingwell, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn,

West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Williams of Winneshiek—66.

The nays were Messrs. Bereman, Burnett, Carbee, Wilson of Jackson—5.

Absent or not voting, Messrs. Abernethy, Belt, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Conway, Gaylord, Garrett, Godfrey, Huggins, Landes, Linderman, Palmer, Rogers, Sipple, Van Leuven, Walden, Wilson of Marshall, Mr. Speaker—19.

So the bill passed, and the title was agreed to.

Mr. Wilson, of Dubuque, moved to suspend the rule and take up House File 300, "A bill for an act to legalize the acts of certain persons named therein."

The motion prevailed.

Mr. McNutt moved to amend by inserting the name of Thomas Hanna, a Notary Public in and for Muscatine county, from the 27th of December, 1865, to 27th of March, 1866. Carried.

Also, the official acts of Chas. T. Ransom, since the expiration of his commission, in December, 1865. Carried.

Upon the question "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abbott, Alcorn, Barnes, Barker, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Fellows, Finkbine, Fry, Gary, Garber, Glasgow, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Olmstead, Poindexter, Rohlf, Runyan, Russell, Sapp, Safely, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—61.

The nays were Messrs. Bahl, Bereman, Boomer, Carbee, Martin, O'Brien, Thorn, Wright—8.

Absent or not voting, Messrs. Abernethy, Belt, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Clark, Conway, Emery, Flanders, Gamble, Gaylord, Garrett, Godfrey, Goodrich, Huggins, McKean, Morgan, Palmer, Rogers, Ryan, Serrin, Sipple, Van Leuven, Walden, West, Wilcox, Williams of Winneshiek, and Mr. Speaker—28.

So the bill was passed and the title was agreed to.

Mr. Crawford moved to take up Senate File No. 81, "A bill for an act to amend Sec. 2, Chap. 115, laws of Tenth General Assembly," which motion prevailed.

Mr. Tracy moved to amend by striking out "six months," and inserting "five months."

Mr. Hand moved to amend the amendment by striking out "five," and inserting "three."

Mr. Sherman moved the previous question, which was seconded, and the main question ordered.

The amendment to the amendment was adopted.

The amendment, as amended, was adopted.

The bill was read a third time, and on the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Alcorn, Barnes, Barker, Boomer, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Close, Comfort, Crawford, Dashiell, Dudley, Dwelle, Gamble, Gary, Garrett, Garber, Griffith, Hale, Hand, Holden, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Ryan, Sapp, Safely, Sherman, Tracy, Thacher, Travis, Thomson, Thorn, West, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek—51.

The nays were Messrs. Bahl, Bereman, Bennett, Fellows, Finkbine, Fry, Graves, Holmes, Joy, Knapp, Knox, Martin, O'Brien, Tisdale, Wright, Wilson of Dubuque, Wilson of Jackson—17.

Absent or not voting, Messrs. Abernethy, Ballinger, Belt, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Clark, Conway, Darwin, DeForest, Emery, Gaylord, Glasgow, Godfrey, Goodrich, Huggins, McLaughlin, Palmer, Rogers, Runyan, Russell, Serin, Sipple, Van Leuven, Walden, Wilcox, Mr. Speaker—27.

So the bill passed, and the title was agreed to.

SENATE MESSAGES.

Senate File No. 127, "A bill for an act to provide for the taxation of National Banks," was read a first and second times.

Mr. Holden moved to postpone until to-morrow, at 11 A. M., which motion did not prevail.

Ordered, that the bill be read a third time.

The rule was suspended, and the bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Burnett, Carbee, Clark, Comfort, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Garrett, Garber, Godfrey, Goodrich, Griffith, Hale, Hand, Holmes, Holden, Joy, Knox, Landes, Leffingwell, Linderman, Lowdon, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Ryan, Safely, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—68.

The nays were none.

Absent or not voting, Messrs. Abernethy, Ballinger, Belt, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Conway, Darwin, Gaylord, Gary, Glasgow, Graves, Huggins, Knapp, Mar-

tin, McLaughlin, Palmer, Rogers, Russell, Sapp, Serrin, Sipple, Sherman, Travis, Van Leuven, Walden, Wilcox, Mr. Speaker—29.

So the bill passed, and the title was agreed to.

By leave, Mr. Finkbine submitted the following report:

The Committee on Ways and Means have instructed me to report the accompanying list of the members of the General Assembly, with the recommendation that a certified copy of the same, signed by the presiding officers and Chief Clerk and Secretary of their respective Houses, be furnished the Treasurer of State, on which he shall pay the person therein named.

FINKBINE, Chairman.

Substitute for Senate File No. 6, "A bill for an act fixing the fees of recorders of deeds," was read a first and second time.

Mr. Thorn offered the following amendment: "*Provided*, That in counties where the fees of the recorder exceed \$1200 per annum, exclusive of necessary clerk hire, the balance shall be paid into the county treasury, for county purposes," which was adopted.

Ordered, that the bill be read a third time.

Mr. Griffith moved a call of the House, which was ordered.

The clerk proceeded to call the roll.

Mr. Close moved that further proceedings under the call be suspended.

The motion prevailed.

Mr. McNutt moved that the rule be suspended, and the bill read a third time now.

Mr. Barker moved that the bill be laid on the table, which motion prevailed.

Mr. Bennett moved that the House do now adjourn, which motion prevailed, and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, March 31, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Geiger.

Mr. Sherman moved that the reading of the journal be dispensed with, which motion prevailed.

Mr. Bereman moved that the vote by which the resolution providing for the adjournment of the General Assembly at 1 o'clock, A. M., Tuesday, was passed, be reconsidered.

Mr. McNutt moved to lay the motion to reconsider on the table, on which question the yeas and nays were demanded and were as follows:

The yeas were Messrs. Alcorn, Ballinger, Bahl, Boomer, Bolter, Brown of Madison, Carbee, Emery, Fellows, Fry, Gamble, Garber, Graves, Griffith, Holmes, Knox, Linderman, Lowdon, Martin, McLaughlin, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Ryan, Serrin, Tracy, Thacher, Tisdale, Thomson, Thorn, Van Leuven, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—38.

The nays were Messrs. Abernethy, Abbott, Barnes, Barker, Bereman, Bennett, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dwelle, Finkbine, Flanders, Gary, Garrett, Godfrey, Goodrich, Hale, Hand, Holden, Joy, Knapp, Landes, Leffingwell, McPherson, McCullough, McKean, Mills, Morgan, Safely, Sherman, Travis, West, Wilcox, Williams of Des Moines—43.

Absent or not voting, Messrs. Belt, Brown of Louisa, Brown of Winneshiek, Conway, Gaylord, Glasgow, Huggins, Maxwell, Palmer, Rogers, Sapp, Sipple, Walden, Wilson of Dubuque, Mr. Speaker—16.

So the motion to lay on the table did not prevail.

Mr. Goodrich moved the previous question, which was seconded and the main question ordered.

The question recurring on Mr. Bereman's motion to reconsider, Messrs. McNutt and Safely demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Abbott, Barnes, Barker, Bereman, Bennett, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, Dudley, Finkbine, Flanders, Gary, Garrett, Godfrey, Goodrich, Hale, Hand, Holden, Joy, Knapp, Landes, Leffingwell, Linderman, McPherson, McCullough, McKean, Mills, Morgan, Russell, Safely, Sherman, Travis, Thomson, West, Williams of Des Moines,—45.

The nays were Messrs. Alcorn, Ballinger, Bahl, Boomer, Bolter, Brown of Madison, Dwelle, Emery, Fellows, Fry, Gamble, Garber, Glasgow, Graves, Griffith, Holmes, Knox, Lowdon, Martin, McNutt, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Ryan, Serrin, Sherman, Tracy, Thacher, Tisdale, Thorn, Van Leuven, Wilcox, Wright, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—39.

Absent or not voting, Messrs. Belt, Brown of Louisa, Brown of Winneshiek, Gaylord, Huggins, Maxwell, Palmer, Rogers, Sapp, Sipple, Walden, Wilson of Dubuque, Mr. Speaker—13.

So the motion to reconsider prevailed.

Mr. Finkbine moved to amend the resolution by striking out "1 o'clock A. M." and insert "10 o'clock P. M."

Mr. McNutt moved to amend the amendment by striking out "10 o'clock P. M." and insert "12 o'clock M."

Mr. Russell moved to lay the motion on the table, upon which the yeas and nays were demanded and were as follows :

The yeas were Messrs. Abbott, Barnes, Brown of Decatur, Buck, Carbee, Close, Comfort, Crawford, Dashiell, DeForest, Dudley, Emery, Fry, Garrett, Hale, Holden, Joy, Knapp, Landes, McPherson, McCullough, McKean, Morgan, Poindexter, Russell, Ryan, Safely, Travis, Tisdale, West, Williams of Des Moines—31.

The nays were Messrs. Abernethy, Alcorn, Ballinger, Bahl, Bereman, Bennett, Boomer, Bolter, Brown of Madison, Brown of Van Buren, Burnett, Clark, Conway, Darwin, Fellows, Finkbine, Flanders, Gamble, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Knapp, Knox, Leffingwell, Linderman, Lowdon, McNutt, Mills, O'Brien, Olmstead, Rohlf, Runyan, Serrin, Sherman, Tracy, Thacher, Thomson, Thorn, Van Leuven, Wright. Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—50.

Absent or not voting, Messrs. Belt, Brown of Louisa, Brown of Winneshiek, Gaylord, Huggins, Martin, Maxwell, Palmer, McLaughlin, Rogers, Sapp, Sipple, Walden, Wilcox, Wilson of Dubuque, Mr. Speaker—16.

So the motion to lay upon the table was lost.

Mr. Tisdale moved the previous question, which was seconded and the main question ordered.

The question recurring on Mr. McNutt's amendment, it did not prevail.

The question recurring on Mr. Finkbine's amendment, the yeas and nays were demanded, and were as follows :

The yeas were Messrs. Abernethy, Abbott, Barnes, Barker, Bereman, Bennett, Brown of Decatur, Brown of Van Buren, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Finkbine, Flanders, Garrett, Godfrey, Goodrich, Hale, Holden, Joy, Leffingwell, Linderman, McPherson, McCullough, Morgan, Sherman, Travis, Tisdale, Thomson, Thorn, West, Williams of Des Moines, Williams of Winneshiek—40.

The nays were Messrs. Alcorn, Ballinger, Bahl, Boomer, Bolter, Brown of Madison, Buck, Conway, Dwelle, Emery, Fellows, Fry, Gamble, Gary, Garber, Glasgow, Graves, Griffith, Hand, Holmes, Knapp, Knox, Landes, Lowdon, Martin, McNutt, McLaughlin, Mills, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Serrin, Tracy, Thacher, Van Leuven, Wilcox, Wright, Wilson of Jackson, Wilson of Marshall—43.

Absent or not voting, Messrs. Belt, Brown of Louisa, Brown of Winneshiek, Gaylord, Huggins, Maxwell, McKean, Palmer, Rogers, Sapp, Sipple, Walden, Wilson of Dubuque, Mr. Speaker—14.

So the motion to amend did not prevail.

The question recurring upon the adoption of the resolution, Messrs. McNutt and Bennett demanded the yeas and nays, which were as follows :

The yeas were Messrs. Alcorn, Ballinger, Bahl, Bereman, Boomer, Brown of Madison, Buck, Burnett, Carbee, Conway, Darwin, DeForest, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gary, Garber, Glasgow, Godfrey, Graves, Griffith, Hale, Hand, Holmes, Knox, Landes, Linderman, Lowdon, Martin, McNutt, McCullough, McLaughlin, McKean, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Ryan, Serrin, Tracy, Thacher, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—55.

The nays were Messrs. Abernethy, Abbott, Barnes, Barker, Bennett, Bolter, Brown of Decatur, Brown of Van Buren, Clark, Close, Comfort, Crawford, Dashiell, Dudley, Flanders, Garrett, Garber, Holden, Joy, Knapp, Leffingwell, McPherson, Mills, Morgan, Russell, Safely, Sherman, Williams of Des Moines—28.

Absent or not voting, Messrs. Belt, Brown of Louisa, Brown of Winneshiek, Gaylord, Huggins, Maxwell, Palmer, Rogers, Sapp, Sipple, Travis, Walden, Wilson of Dubuque, Mr. Speaker—14.

So the resolution was adopted.

Mr. Gamble moved to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider on the table.

The motion to lay on the table prevailed.

By leave, Mr. Russell offered the following resolution, which was adopted, and the committee appointed :

Resolved, That a special committee be appointed, consisting of the chairman of each standing committee which has bills on the files reported upon favorably, with a view to select from the whole number a few such bills as shall be agreed upon by said committee, as being of the greatest general importance, and report them to the House as worthy of being first disposed of.

By leave, Mr. Clark submitted the following report from the Committee on Claims :

The Committee on Claims, to whom was referred the claim of Ambrose S. Mead, of Clay county, Iowa, for the sum of two hundred and seven dollars, for two hundred and seven large and valuable trees, taken by order of Capt. Crapper, commanding Company C, of the Northern Border Brigade, for the purpose of building a stockade at Peterson, in Clay county, have had the same under consideration, and have directed me to report the same back to the House, and recommend that the same be allowed and referred to the Committee on Ways and Means, and that they be instructed to provide for the payment of the same in the general appropriation bill.

CLARK, Chairman.

The report was concurred in.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has concurred in the House Amendments to Senate File No. 217, A bill for an act to provide for the settlement of certain claims against the General Government," as recommended by the Committee of Conference on the disagreeing votes of the two Houses thereon.

JAMES M. WEART,
Assistant Secretary.

By leave, Mr. Runyan submitted the following report:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred "A resolution asking additional facilities for the collection of taxes in certain cases," have had the same under consideration, and deeming the change asked for impracticable, have instructed me to report the same back, recommending that the further consideration of the subject be indefinitely postponed.

A. RUNYAN, for Committee.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order, Mr. Russell moved that the consideration of the special order be postponed for fifteen minutes, which motion prevailed.

By leave, Mr. McKean submitted the following reports:

MR. SPEAKER:—Your special committee, to whom was referred House File No. 289, have had the same under consideration, and have instructed me to report the same back with the accompanying amendments, and recommend their adoption, and that the bill so amended do pass.

JOHN McKEAN, Chairman.

The bill, House File No. 289, A bill for an act for the purchase and distribution of copies of the 2d volume of the Iowa Digest, was taken up and considered.

The amendments recommended by the committee were concurred in. Ordered that the bill be read a third time.

Mr. Russell moved that the rule be suspended, and the bill be read a third time now, which motion prevailed.

The bill was read a third time.

On the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Bolter Buck, Burnett, Comfort, DeForest, Dwell, Emery, Fellows, Finkbine, Gamble, Garrett, Glasgow, Goodrich, Hale, Hand, Holmes, Holden, Joy, Knapp, Landes, Leffingwell, McPherson, McNutt, McLaughlin, McKean, Mills, Morgan, O'Brien, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Sherman, Tracy, Travis, Tisdale, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Wilson of Marshall—54.

The nays were Messrs. Brown of Decatur, Brown of Madison, Brown of Van Buren, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, Dudley, Flanders, Fry, Gary, Garber, Godfrey, Graves, Griffith, Knox, Linderinan, Lowdon, McCullough, Olmstead, Safely, Serrin, Thomson, Williams of Des Moines, Wilson of Jackson, Williams of Winnesheik—29.

Absent or not voting, Messrs. Belt, Brown of Louisa, Brown of Winnesheik, Gaylord, Higgins, Martin, Maxwell, Palmer, Rogers, Sipple, Thacher, Thorn, Walden, Mr. Speaker—14.

So the bill passed and the title was agreed to.

By leave, McKean submitted the following report :

To the General Assembly of the State of Iowa :

The Select Joint Committee appointed to examine the allegations of fraud and misrepresentation against the American Emigrant Company under the following resolution :

"Resolved, by the House of Representatives, the Senate Concurring, that a Joint Committee of five on the part of the House and three on the part of the Senate be appointed to examine and report as to the allegations of fraud and misrepresentations against the American Emigrant Company, by Wm. Barker, swamp land agent, and by Commissioner Edwards and to prepare a memorial addressed to the Secretary of the Interior, disavowing on the part of the State any knowledge of or participation in the alleged frauds on the part of the American Emigrant Company in prosecuting claims for swamp land, should such charge be found true, and urging upon the Secretary the necessity of adjusting all claims of the counties under the swamp land grant, not tainted with fraud :"

REPORT.

That the limited time did not permit a full investigation of the subject, such as would result from sending for persons and papers in the different counties and to the Department of the Interior at Washington.

That the evidence is, in the opinion of your Committee sufficient to warrant a thorough examination of the transactions of that Company in its relation to the counties in which it has operated and in its relation to the State.

That only such evidence has been taken as could be procured at Des Moines from official records, reports and letters and from persons resident or accidentally at the Capital.

We have examined the evidence offered by the Company; stated the evidence in the minutes and considered all the documents presented.

Want of time did not permit the Company or the Committee to send for persons or papers from abroad. T. F. Withrow asked the privilege of appearing before the Committee as attorney for the

Emigrant Company, but the Committee decided to dispense with the services of attorneys. Mr. Withrow, however, was permitted to cross-examine witnesses one evening.

An appendix made up of copies of official written statements of witnesses and printed documents has been compiled, which together with the evidence taken by the Committee is herewith presented. We recommend that those documents be filed in the office of the Secretary of State.

It appears from the evidence of agents of the Company and otherwise that the agents of that Company in some cases, represented to the people of some counties that they had superior facilities for having the swamp land claims allowed in the Department at Washington, and by other undue influences prevailed upon the people to enter into a contract for the sale of the swamp lands of the counties for a merely nominal price, entirely inadequate to the real value of the lands claimed.

That the agents in some instances made false and fraudulent proofs of swamp lands with a view to obtain for the Company indemnity scrip and money for the benefit of the Company and this being discovered at Washington induced the Commissioner of the General Land Office to suspend the claims of many others in which the Company had no interest.

That when a knowledge of these frauds came to the Company the agent who committed the frauds was discharged.

That the agents of the Company, as an inducement in obtaining contracts for swamp lands, in some cases, made promises to lease sheep to resident settlers as a personal consideration to them to vote for the contracts, which your Committee deem was in fraud of the rights of the county.

That the agents represented to the people of the counties that they were in danger of losing the swamp lands unless the proofs were speedily made of the swamp land selections and that the Company had extraordinary facilities for adjusting the claims and under this belief they contracted the swamp lands to the Company.

Your Committee believe that such representations were not true; that this Company had no honest facilities for adjusting swamp land claims not possessed by other agents of the counties and of the State.

Your Committee further find that the Emigrant Company has made contracts for the swamp lands of about twenty-five counties; that in one of the counties (Kossuth) there was a provision made in the contract that every resident settler might receive eighty acres of said swamp land at the same price agreed to be paid to the county, only a few cents per acre, which your Committee considers to be an indirect bribe to the voters to sustain the contract made with the Board of Supervisors.

That the quantity of land patented to the State for the benefit of five of those counties up to the first of December last is about

57,000 acres; that the whole amount of swamp lands claimed by that Company is over 400,000 acres; that the amount of indemnity scrip already issued claimed by that Company is for about 23,000 acres, and that the amount of cash indemnity which the Company has already received is about 32,000. Some of these figures are considerably increased in a statement of one of the witnesses from information obtained at the office of the Commissioner of the General Land Office.

Your Committee further find that during three years past the attention of the Governor and of the Register of the State Land Office has been called by agents of the State to the alleged fraudulent transactions of the American Emigrant Company in reference to swamp lands as between the Company and the counties, but the State officers had no authority of law to commence investigation or legal proceedings without being authorized by the General Assembly.

In 1853 the State granted to the counties the swamp lands subject to the condition contained in the act of Congress granting the swamp lands to the State.

By a subsequent act in 1862, the Governor was required to appoint such Swamp Land Agents as might be recommended by the counties.

The Swamp Land selections and proofs have been made by the agents designated by the counties.

We cannot forbear to say that we consider it to be the duty of the Governor and of the Register of the State Land office to immediately notify the officers of the counties which have an interest in swamp lands of their rights in the premises and to inform the Secretary of the Interior and the Commissioner of the General Land Office that the State had no complicity with the American Emigrant Company in reference to the difficulties that have prevented the adjustment of the Swamp Land claims.

In view of the evidence already obtained on the above named matters, your Committee believe there are sufficient indications of fraudulent practices and misrepresentations in obtaining the contracts for the swamp lands and indemnity to render it advisable, for the protection of the interest of the State and of the counties in which this Emigrant Company has been and is operating, that legal steps be taken, under the authority of the State to annul the contracts referred to and to compel the Company to refund to the State, for the benefit of the counties interested the indemnity money and also the indemnity scrip not already used less the value of the services of the agents of the Company in making such swamp land proofs as have been accepted or may hereafter be accepted by the Department of the Interior and the Commissioner of the General Land Office.

Your Committee recommend the adoption of the accompanying resolutions.

J. A. PARVIN, Chairman.

C. PAULK,

J. G. PATTERSON,

On part of the Senate.

JOHN McKEAN, Ch'n.

D. G. GOODRICH,

L. E. FELEOWS,

J. G. SAFELY,

On part of the House.

Mr. Goodrich moved that this report be made the special order for 5 P. M., to-day.

The motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked.

House File No. 300, A bill for an act legalizing certain acts of certain persons named therein, with an amendment to the title.

I return herewith House File No. 312, A bill for an act making further appropriation for the Hospital for the Insane, it having passed the Senate without amendment.

JAMES M. WEART, Ass't Secretary.

SPECIAL ORDER.

The hour having arrived for the consideration of the Special Order, House File No. 320, A bill for an act to resume all rights conferred upon the Mississippi and Missouri Railroad Company, by act approved July 14, 1856, to repeal certain laws in relation thereto, and to create a commission with power to provide for carrying out the trust conferred upon the State of Iowa, by act of Congress, Approved May 15, 1856.

Mr. Holden moved to amend by striking out Section 3, and insert: The following persons shall compose said Commissioners.

_____ of Scott county, _____ of Muscatine county, _____ of Cedar county, _____ of Washington county, _____ of Johnson county, _____ of Iowa county, _____ of Powsheik county, _____ of Jasper county, _____ of Polk county, _____ of Louisa county, _____ of Dallas county, _____ of Guthrie county, _____ of Cass county, _____ of Pottawattamie county, _____ of Audubon county.

The Census Board shall fill any vacancy occurring in the Commission, by appointment of a resident of the county in which such vacancy exist.

The motion to amend prevailed.

Mr. Safely moved to fill the blank for Cedar county with the name of H. C. Loomis, which motion prevailed.

Mr. Thomson moved to fill the blank for Scott county with the name of C. C. Applegate. Carried.

Mr. McNutt moved to fill the blank for Iowa county with the name of J. R. Serrin. Carried.

Mr. Finkbine moved to fill the blank for Johnson County with the name of G. E. DeForest. Carried.

Mr. Serrin moved to fill the blank for Muscatine county with the name of Samuel McNutt. Carried.

Mr. McPherson moved to fill the blank for Guthrie county with the name of Thomas Seely. Carried.

Mr. Emery moved to fill the blank for Powesheik county with the name of E. Snow. Carried.

Mr. Ryan moved to fill the blank for Jasper county, with the name of J. Meyer. Carried.

Mr. Sherman moved to fill the blank for Polk county with the name of B. F. Allen. Carried.

Mr. Holden moved to fill the blank for Louisa county with Francis Springer. Carried.

Mr. Abbott moved to fill the blank for Dallas county with the name of J. R. Reed. Carried.

Mr. McPherson moved to fill the blank for Cass county with J. W. McComber. Carried.

Mr. Mills moved to fill the blank for Audubon county with John R. Burk. Carried.

Mr. Serrin moved to fill the blank for Pottawattamie county with W. F. Sapp.

Mr. Sapp moved to amend by inserting D. C. Bloomer.

The amendment prevailed, and the motion as amended prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bills without amendment:

House File No. 282, A bill for an act constituting the Mayor and Council of any incorporated town or city a board of health and defining their powers.

House File No. 323, A bill for an act to legalize the levy of taxes by the city council of Indianola for the year 1865.

House File No. 289, A bill for an act for the purchase and distribution of copies of the second volume of the Iowa Digest.

Also the Senate has concurred in the House amendment to substitute for Senate File No. 123, A bill for an act to repeal Section 1, of Chapter 44, of the acts of the Tenth General Assembly in

relation to the issue of preferred stock by Railroad Companies, and to provide for a substitute therefor.

JAMES M. WEART, Ass't Secretary.

Mr. Dashiell moved to amend Section 5, by striking out "them" and inserting "him." Carried.

Mr. Holden moved to amend Section 6, by striking out "and the Union Pacific Railroad." Lost.

Mr. Sherman moved to amend Section 6, by striking out "forty" and inserting "ten." Carried.

Mr. Dudley offered the following amendment to the 10th Section which was adopted :

Strike out of that line "to be audited and paid out of the State Treasury" and insert "to be paid by the Railroad Company to which such lands are transferred if so transferred prior to the meeting of the Twelfth General Assembly."

Mr. Comfort moved to amend Section 11, by striking out "to individuals." Carried.

Mr. Martin moved to strike out Section 11, and insert in lieu thereof the following :

Said Commissioners shall in the contract secure an absolute and unconditional release to the State of all the lands included in the original Des Moines River Grant above the Racoon Fork which have been sold to individuals by the State, and which have been granted to the Mississippi and Missouri River Railroad.

Mr. Comfort moved to amend the amendment by striking out the words "to individuals." Lost.

The amendment prevailed.

Mr. Burnett moved that the bill be laid upon the table, on which question Mr. Sapp demanded the yeas and nays, which were as follows :

The yeas were Messrs. Ballinger, Bahl, Buck, Burnett, Clark, Flanders, Gamble, Garber, Holmes, Holden, Linderman, McNutt, McKean, Rohlf, Tracy, Thomson, Thorn, Van Leuven, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall—21.

The nays were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bere-man, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Fry, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Joy, Knapp, Knox, Landes, Lowdon, Martin, Maxwell, McPherson, McLaughlin, Mills, Morgan, Olmstead, Poindexter, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Thacher, Travis, Tisdale, West, Wilcox, Williams of Des Moines, Williams of Winnesheik—57.

Absent or not voting, Messrs. Barker, Belt, Brown of Louisa, Brown of Madison, Brown of Winnesheik, Fellows, Gary, Gaylord, Huggins, Leffingwell, McCullough, O'Brien, Palmer, Rogers, Russell, Sipple, Walden, Wright, and Mr. Speaker—19.

So the motion to lay on the table did not prevail.

Mr. Sherman moved that the rule be suspended, and the bill read a third time now.

The motion prevailed, and the bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Barnes, Bereiman, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Comfort, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Fry, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Joy, Knapp, Knox, Lowdon, Martin, Maxwell, McPherson, McNutt, McLaughlin, Mills, Morgan, Olmstead, Poindexter, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Thatcher, Travis, Tisdale, West, Wilcox, Williams of Des Moines, Williams of Winneshiek—53.

The nays were Messrs. Barker, Bahl, Bennett, Burnett, Carbee, Clark, Close, Darwin, Flanders, Gamble, Garber, Holmes, Holden, Landes, Linderman, McKean, O'Brien, Rohlf, Tracy, Thomson, Thorn, Van Leuven, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall—26.

Absent or not voting, Messrs. Abernethy, Ballinger, Belt, Boomer, Brown of Louisa, Brown of Winneshiek, Fellows, Gaylord, Gary, Huggins, Lettingwell, McCullough, Palmer, Rogers, Russell, Sipple, Walden, Mr. Speaker—18.

So the bill passed, and the title was agreed to.

By leave, Mr. Darwin presented the following report:

MR. SPEAKER:—The Judiciary, to whom was referred Senate File 197, A bill for an Act legalizing certain county warrants in Polk county, have not had time to consider the same, inasmuch as both parties concerned therein wished to be heard by attorney, and so they report the same back with the petition and protests, and make no recommendation.

DARWIN, Chairman.

By leave, Mr. Burnett submitted the following report:

MR. SPEAKER:—Your committee, appointed for the purpose of conferring with a similar committee appointed on the part of the Senate, on the amendment made by the Senate to the House resolutions appointing Trustees of the Hospital for the Insane, by which the name of Benjamin Crabb was stricken out, and that of A. H. McCreary was inserted, beg leave to report that they have met such Senate committee, and have considered the matter, and recommend that the name of Benjamin Crabb be retained as one of such Trustees, vice A. H. McCreary, and that the House refuse to concur in the Senate amendment.

C. C. BENNETT, Chairman Com.

The report of the committee was concurred in.

By leave, Mr. Joy offered a joint resolution asking a military escort for Col. Sawyer's wagon road expedition.

The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to inform your Honorable Body that the Senate has concurred in the House amendments to substitute Senate File No. 81, A bill for an act to amend section two, chapter 115, of the laws of the Tenth General Assembly, in relation to printing the delinquent tax list.

JAMES M. WEART, Ass't Secretary.

By leave, Mr. Abernethy offered the following resolution :

Resolved by the House of Representatives, the Senate concurring, That the executive committee of the Iowa State Agricultural Society be authorized to appoint, with the consent of the Governor, some person to represent the State of Iowa at the "French Universal Exposition of 1867." And that the sum of eight hundred dollars, or so much thereof as may be necessary for the purpose of defraying the expenses of said commission, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated.

Mr. Abernethy moved that the resolution be referred to the Committee on Ways and Means, with instructions to incorporate the amount specified into the general appropriation bill.

Mr. O'Brien moved that the resolution be laid on the table.

The motion prevailed, and the resolution was tabled.

By leave, Mr. Runyan offered a joint resolution instructing the Secretary of State to furnish reports to the Institutions for the Deaf and Dumb, and Blind, which was adopted.

Mr. Dudley moved that Senate File No. 211, A bill for an act to amend Section 4155 of the Revision of 1860, regulating the fees of county surveyors be taken up and considered.

The motion prevailed.

Ordered that the bill be read a third time.

Mr. Thorn moved that the rule be suspended and the bill read a third time now.

The motion prevailed, and on the question " Shall the bill pass ? " the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bahl, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Garber, Glasgow, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McPherson, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Poin Dexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—74.

In the negative, Mr. Fellows—1.

Absent or not voting, Messrs. Ballinger, Bolter, Brown of Louisiana, Brown of Winneshiek, DeForest, Gaylord, Gary, Garrett, Godfrey, Goodrich, Huggins, Leffingwell, McNutt, McCullough, McKean, Palmer, Rogers, Sipple, Thacher, Walden, Wright, and Mr. Speaker—22.

So the bill passed and the title was agreed to.

Mr. Tisdale, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills have presented to the Governor, for his signature, House Files 125, 249, and Substitutes for House Files Nos. 96, 172, and 222, the same having been duly signed by the Speaker of this House and the President of the Senate.

Respectfully submitted.

G. J. TISDALE, Chairman.

By leave, Mr. Finkbine called up Senate File No. 223, A bill for an act making appropriation for the payment of State and Judicial officers, and moved that the House do recede from its amendments relating to the salary of Assistant Adjutant General.

The motion to recede prevailed.

By leave, Mr. Bennett called up joint resolution in reference to the occupation of Mexico by the forces of Maximilian.

Mr. Dudley moved to amend the first resolution by inserting, after the words "foreign powers," the words "or the Government of the United States."

The amendment did not prevail.

Mr. Wilson, of Dubuque, moved to amend the preamble by striking out the words "and a perpetual insult."

The amendment did not prevail.

The resolution was adopted.

Mr. Van Leuven moved that the House do now adjourn, which motion prevailed, and the House adjourned.

2 O'CLOCK, P. M.

House met pursuant to adjournment.

The following resolution from the Senate was adopted:

Resolved by the Senate, the House concurring, That both Houses meet in joint convention on Saturday next, at 3 o'clock, P. M., to elect twelve Trustees of the Iowa State Agricultural College and Farm, and Bank Directors, and Bank Commissioners.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed House Substitute for Senate File No. 186, A bill for an act regarding Soldiers Orphans of Iowa, with amendments in which the concurrence of the House is asked.

JAMES M. WEART, Asst. Secretary.

SENATE MESSAGES.

Upon the question of concurring in the Senate's amendments to "House File No. 250, A bill for an act to quiet title to certain lands sold by the State to individuals as part of the Des Moines River Land Grant," the yeas and nays were:

The yeas were Messrs. Abbott, Bereman, Bennett, Bolter, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, DeForest, Dudley, Dwelle, Emery, Fellows, Flanders, Fry, Gary, Garrett, Garber, Glasgow, Godfrey, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Safely, Sherman, Tracy, Thacher, Travis, Thomson, Thorn, West, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—60.

Absent or not voting, Messrs. Abernethy, Alcorn, Ballinger, Barnes, Barker, Bahl, Belt, Boomer, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Dashiell, Gamble, Gaylord, Goodrich, Graves, Huggins, Leffingwell, Martin, McKean, Palmer, Rogers, Runyan, Russell, Ryan, Sapp, Serin, Sipple, Tisdale, Van Leuven, Walden, Wilcox, Wright, Wilson of Dubuque, Williams of Winneshiek, Mr. Speaker—37.

So the amendment was concurred in.

Upon the question of concurring in the Senate amendments to House File No. 218, A bill for an act to repeal Section 1710, of the Revision of 1860, the yeas and nays were as follows:

The yeas were Messrs. Abbott, Ballinger, Barker, Belt, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Carbee, Close, Comfort, Crawford, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gary, Glasgow, Godfrey, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Ryan, Safely, Sherman, Tracy, Thacher, Travis, Thomson, Thorn, Van Leuven, West, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—66.

The nays were none.

Absent or not voting, Messrs. Abernethy, Alcorn, Barnes, Bahl, Boomer, Brown of Louisa, Brown of Winneshiek, Burnett, Clark,

Conway, Darwin, Dashiell, Gamble, Gaylord, Garrett, Garber, Goodrich, Graves, Huggins, Leffingwell, Martin, Palmer, Rogers, Runyan, Sapp, Serrin, Sipple, Tisdale, Walden, Wilcox, and Mr. Speaker—31.

So the amendments were concurred in.

Senate File No. 152, A bill for an act apportioning the State of Iowa into Senatorial Districts, was read a first and second time.

Ordered that the Bill be read a third time.

Mr. Wilson of Jackson moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Barnes, Bereman, Bennett, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Landes, Linderman, Lowdon, McPherson, McCullough, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Rohlf, Ryan, Safely, Sherman, Tracy, Thatcher, Thorn, Van Leuven, West, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—65.

The nays were Mr. O'Brien—1.

Absent or not voting, Messrs. Abernethy, Alcorn, Ballinger, Barker, Bahl, Belt, Boomer, Bolter, Brown of Louisa, Brown of Winneshiek, Brown of Madison, Conway, Darwin, Dashiell, Gamble, Gaylord, Graves, Huggins, Knox, Leffingwell, Martin, McNutt, Maxwell, Palmer, Rogers, Runyan, Russell, Sapp, Serrin, Sipple, Travis, Tisdale, Thomson, Walden, Wilcox, Wilson of Dubuque, Williams of Winneshiek—32.

So the bill passed and the title was agreed to.

Mr. Finkbine, from the "Sifting Committee," submitted the following report:

The committee appointed to arrange the order of business for the House, beg leave to submit, as their report, that they have arranged the bills on file in three classes, and recommend that they be considered in the following order:

CLASS 1.—Sub. for H. F. No. 145; H. F. 309; Sub. for S. F. Nos. 52 and 56; H. F. Nos. 303, 173, 310, 247, 290, 55; Sub. for H. F. Nos. 17 and 113; H. F. Nos. 197, 150; S. F. No. 8; Subs. for H. F. Nos. 275, 234, 171, and S. F. No. 184; H. F. Nos. 62, 148; S. F. No. 210; H. F. No. 308; S. F. No. 59; H. F. No. 185.

CLASS 2.—H. F. No. 262; S. F. No. 30; H. F. No. 284; S. F. No. 115; H. F. Nos. 32, 151; Sub. for H. F. No. 54; H. F. Nos. 194, 199, 321, 95; Sub. for H. F. No. 155; H. F. Nos. 45, 266, 271; Sub. for H. F. No. 280; H. F. No. 315; S. F. No. 136.

CLASS 3.—H. F. No. 183; S. F. No. 11; H. F. No. 304; Sub. for H. F. No. 78; H. F. Nos. 162, 191, 317, 131; Sub. for S. F.

No. 70; comprising, in all, 23 of first class, 18 of second class, 10 of third class.

R. S. FINKBINE, Chairman.

Mr. Ryan submitted the following report from Committee on Enrolled Bills:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File No. 312, "An act making further appropriations for the Hospital for the Insane," and find the same correctly enrolled, and herewith present the same for your signature.

D. RYAN,

Member Committee on Enrolled Bills.

Mr. Tisdale, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—House File No. 312, having been duly signed by the Speaker of this House and the President of the Senate, has been presented to the Governor for his signature.

G. J. TISDALE, Chairman.

Mr. Tracy moved to take up Orphans' Home bill, which motion did not prevail.

By leave, Mr. Finkbine submitted the following report and accompanying bill—House File No. 324, "A bill for an act making appropriations for the per diem and expenses of the 11th General Assembly, and for other purposes," which was read a first and second time.

Mr. Abbott moved that a committee of two be appointed to wait upon the Senate, and inform that body that the House was ready to receive it in joint convention. Carried.

The Speaker announced Messrs. Abbott and Thorn.

Mr. Holden moved that a teller be appointed on the part of the House.

Carried, and the Speaker appointed Mr. Holden.

The committee appointed to wait upon the Senate reported that they had performed that duty, and were discharged.

The Sergeant-at-Arms announced the Honorable Senate, who entered the Hall preceded by the President and Secretary, and took the seats assigned it.

JOINT CONVENTION.

The President of the Senate, Hon. B. F. Gue, Lieut.-Governor, announced as teller on the part of the Senate, Senator Sampson.

The Speaker of the House announced as teller on the part of the House, Mr. Holden.

The President of the Joint Convention, Hon. B. F. Gue, Lieut.-Governor, announcing that nominations for Trustees of the Agricultural College and Farm were in order,

Mr. Darwin nominated T. Wilson Williams, of the First District.

Mr. Edwards nominated J. D. Wright, of the Second District.

Mr. — nominated B. O. Stevenson, of the Third District.
 Mr. Hand nominated J. C. Cusey, of the Fourth District.
 Mr. Reed nominated T. K. Brooks, of the Fifth District.
 Mr. Stubbs nominated T. A. Morgan, of the Sixth District.
 Mr. Leake nominated Hugh M. Thomson, of the Seventh District.
 Mr. Clark nominated John Russell, of the Eighth District.
 Mr. Clarkson nominated Peter Melendy, of the Ninth District.
 Mr. Lakin nominated P. L. Hinkly, of the Tenth District.
 Mr. Hunt nominated John Garber, of the 10th District.
 Mr. Bassett nominated B. F. Gue, of the Eleventh District.
 Mr. Poindexter nominated R. W. Humphrey, of the Twelfth District.

No other nominations being made, the joint roll was called with the following result:

Whole number of votes cast.....	101
Necessary to a choice.....	52
T. Wilson Williams received.....	101
J. D. Wright received.....	101
B. O. Stevenson received.....	100
J. C. Cusey received.....	100
T. K. Brooks received.....	100
T. A. Morgan received.....	100
H. M. Thomson received.....	101
John Russell received.....	101
Peter Melendy received.....	101
P. L. Hinkly received.....	37
John Garber received.....	77
B. F. Gue received.....	101
R. W. Humphrey received.....	100

T. Wilson Williams, J. D. Wright, B. O. Stevenson, J. C. Cusey, T. K. Brooks, T. A. Morgan, H. M. Thomson, John Russell, Peter Melendy, John Garber, B. F. Gue, and R. W. Humphrey, having received a majority of all the votes cast, were declared duly elected Trustees of the Agricultural College and Farm for the term prescribed by law, and until their successors are elected and qualified.

The President announcing nominations for Bank Directors in order, Mr. Stubbs nominated L. F. Sherman of Washington county.

Mr. Edwards nominated E. T. Edginton of Lucas county.

Mr. Henderson nominated G. M. Woodbury of Marshall county.

Mr. Sherman moved that both Directors and Commissioners be elected by the same call, which motion prevailed, and the following nominations for Bank Commissioners were made:

By Mr. Warren: Phillip Viele.

By Mr. Stubbs: Wm. Bickford.

By Mr. Clark of the House: T. A. Graham.

The joint roll was then called with the following result:

Whole number of votes cast.....	64
Necessary to a choice.....	33
L. F. Sherman received.....	63
E. T. Edginton received.....	63
G. M. Woodbury received.....	63

Messrs. L. F. Sherman, E. T. Edginton, and G. M. Woodbury, having received a majority of all the votes cast were declared duly elected Bank Directors for the term prescribed by law.

For Bank Commissioners,

Phillip Viele received.....	63
Wm. Bickford received.....	63
T. A. Graham received.....	63

Messrs. Phillip Viele, Wm. Bickford, and T. A. Graham, having received a majority of all the votes cast, were declared duly elected Bank Commissioners for the period prescribed by law.

The following certificates were then signed in the presence of the Joint Convention by the President of the Senate, and the Speaker, *pro tem.*, of the House:

REPRESENTATIVE HALL, DES MOINES, IOWA, {
March, 31, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, J. Wilson Williams having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the Joint Convention, this 31st day of March, A. D., 1866.

B. F. GUE,
President of the Senate.

WM. HALE,
Speaker, *pro tem.*, of House of Representatives.

ATTEST:

E. S. SAMPSON,
Teller of the Senate.

H. M. HOLDEN,
Teller of House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, {
March 31, 1866. }

This is to certify that an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 31st day of March, A. D., 1866, for the purpose of electing a Trustee of the Agricultural College, J. D. Wright having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the Joint Convention, this 31st day of March, A. D., 1866.

B. F. GUE,
President of the Senate.
WM. HALE,

Speaker *pro tem.* of the House of Representatives.

ATTEST :

E. S. SAMPSON,
Teller of the Senate.
H. M. HOLDEN,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 31, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 31st day of March, A. D., 1866, for the purpose of electing a Trustee of the Agricultural College, B. O. Stevenson having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the Joint Convention, this 31st day of March, A. D., 1866.

B. F. GUE,
President of the Senate.
WM. HALE,

Speaker *pro tem.* of the House of Representatives.

ATTEST :

E. S. SAMPSON,
Teller of the Senate.
H. M. HOLDEN,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 31, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday, the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, J. C. Cusey having received a majority of all the votes cast for said office, was declared duly elected a Trustee for the term prescribed by law.

Signed in the presence of the joint convention, this 31st day of March, A. D. 1866.

B. F. GUE,
President of the Senate.
WM. HALE,

Speaker of the House of Representatives *pro tem.*

ATTEST :

E. S. SAMPSON,
Teller of the Senate.
H. M. HOLDEN,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 31, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday, the 31st day of March, A. D., 1866, for the purpose of electing a Trustee of the Agricultural College, T. K. Brooks having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the joint convention, this 31st day of March, A. D. 1866.

B. F. GUE,
President of the Senate.

WM. HALE,
Speaker of the House of Representatives *pro tem*.

E. S. SAMPSON,
Teller of the Senate.

ATTEST:

H. M. HOLDEN,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 10, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday, the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, T. A. Morgan having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the joint convention, this 31st day of March, A. D. 1866.

B. F. GUE,
President of the Senate.

WM. HALE,
Speaker of House of Representatives *pro tem*.

E. S. SAMPSON,
Teller of the Senate.

ATTEST:

H. M. HOLDEN,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 31, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday, the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, H. M. Thomson having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the joint convention, this 31st day of March, A. D. 1866.

B. F. GUE,
President of the Senate.

WM. HALE,
Speaker of the House of Representatives.

E. S. SAMPSON,
Teller of the Senate.

ATTEST :

H. M. HOLDEN,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 31, 1866. }

This is to certify, That an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday, the 31st day of March, A. D., 1866, for the purpose of electing a Trustee of the Agricultural College, John Russell having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the joint convention, this 31st day of March, A. D. 1866.

B. F. GUE,
President of the Senate.

WM. HALE,
Speaker *pro tem.* of House of Representatives.

E. S. SAMPSON,
Teller of the Senate.

ATTEST :

H. M. HOLDEN,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 31, 1866. }

This is to certify, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday, the 31st day of March, A. D., 1866, for the purpose of electing a Trustee of the Agricultural College, Peter Melendy having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the Joint Convention, this 31st day of March, A. D., 1866.

B. F. GUE,
President of the Senate.

WM. HALE,
Speaker *pro tem.* of the House of Representatives.

E. S. SAMPSON.

Teller of the Senate.

ATTEST :

H. M. HOLDEN,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 31st, 1866. }

This is to certify, That at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 31st day of March, A. D., 1866, for the purpose of electing a Trustee of the Agricultural College, John Garber having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the Joint Convention, this 31st day of March, A. D., 1866.

B. F. GUE,
President of the Senate.
WM. HALE,

Speaker *pro tem.* of the House of Representatives.
E. S. SAMPSON,

Teller of the Senate.
H. M. HOLDEN,
Teller of the House of Representatives.

ATTEST :

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 31, 1866. }

This is to certify, That an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 31st day of March, A. D., 1866, for the purpose of electing a Trustee of the Agricultural College, B. F. Gue having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the Joint Convention, this 31st day of March, A. D., 1866.

B. F. GUE,
President of the Senate.
WM. HALE,

Speaker *pro tem.* of the House of Representatives.
E. S. SAMPSON,

Teller of the Senate.
H. M. HOLDEN,
Teller of the House of Representatives.

ATTEST :

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 31, 1866. }

This is to certify, That an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D., 1866, for the purpose of electing a Trustee of the Agricultural College, R. W. Humphrey having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the Joint Convention, this 31st day of March, A. D., 1866.

B. F. GUE,
President of the Senate.

WM. HALE,
Speaker *pro tem.* of the House of Representatives.

E. S. SAMPSON,
Teller of the Senate.

ATTEST:

H. M. HOLDEN,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, {
March 31, 1866. }

This is to certify, That at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 31st day of March, A. D., 1866, for the purpose of electing a Bank Director, L. F. Sherman having received a majority of all the votes cast for said office, was declared duly elected a Bank Director for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 31st day of March, A. D., 1866.

B. F. GUE,
President of the Senate.

WM. HALE,
Speaker *pro tem.* of the House of Representatives.

E. S. SAMPSON,
Teller of the Senate.

ATTEST:

H. M. HOLDEN,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, {
March 31st, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Bank Director, E. T. Edgington having received a majority of all the votes cast for said office, was declared duly elected a Bank Director for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 31st day of March, A. D. 1866.

B. F. GUE,
President of the Senate.

WM. HALE,

Speaker *pro tem.*, of the House of Representatives.

ATTEST :

E. S. SAMPSON,

Teller of the Senate.

H. M. HOLDEN,

Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 31st, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Bank Director, G. M. Woodbury having received a majority of all the votes cast for said office, was declared duly elected Bank Director for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 31st day of March, A. D. 1866.

B. F. GUE,
President of the Senate.

WM. HALE,

Speaker *pro tem.*, of the House of Representatives.

ATTEST :

E. S. SAMPSON,

Teller of the Senate.

H. M. HOLDEN,

Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 31st, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Bank Commissioner, Philip Veile having received a majority of all the votes cast for said office, was declared duly elected Bank Commissioner for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 31st day of March, A. D. 1866.

B. F. GUE,
President of the Senate.

WM. HALE,

Speaker *pro tem.*, of the House of Representatives.

ATTEST :

E. S. SAMPSON,
Teller of the Senate.

H. M. HOLDEN,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 31st, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Bank Commissioner, Wm. Bickford having received a majority of all the votes cast for said office, was declared duly elected Bank Commissioner for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 31st day of March, A. D. 1866.

B. F. GUE,
President of the Senate.

WM. HALE,

Speaker *pro tem.*, of the House of Representatives.

ATTEST :

E. S. SAMPSON,
Teller of the Senate.

H. M. HOLDEN,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }
March 31st, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Bank Commissioner, T. A. Graham having received a majority of all the votes cast for said office, was declared duly elected Bank Commissioner for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 31st day of March, A. D. 1866.

B. F. GUE,
President of the Senate.

WM. HALE,

Speaker *pro tem.*, of the House of Representatives.

ATTEST :

E. S. SAMPSON,
Teller of the Senate.

H. M. HOLDEN,
Teller of the House of Representatives.

Mr. Wilson of Jackson moved that this convention do now dissolve, which motion prevailed.

Mr. Finkbine moved a call of the House, which was ordered.

The Clerk proceeded to call the roll.

Leaves of absence were granted to Messrs. Bereman, Ryan, Poindexter, Rohlf, Garrett and Griffith for this evening.

Mr. Burnett moved that further proceedings under the call be suspended, which motion prevailed.

Mr. Fry asked leave of absence for Mr. Dwelle for the remainder of the session, which was granted.

The House resumed the consideration of House File No. 324, A bill for an act making appropriation for the per diem and other expenses of the 11th General Assembly.

Mr. Abbott moved that the daily newspapers in Des Moines be allowed \$3 per copy. Lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to request of your Honorable Body the return of House substitute for Senate File No. 186, A bill for an act relating to soldiers' orphans.

JAMES M. WEART, Ass't Secretary.

The request was granted, and the bill so returned.

Mr. Fry moved that so much of section 67 as relates to the Senate journals be stricken out. Lost.

The hour having arrived for the consideration of the special order, Mr. Finkbine moved that the consideration of the special order be postponed until the appropriation bill is disposed of. Carried.

Mr. Finkbine moved that the rule be suspended, and the bill read a third time now. Carried.

Mr. Tracy moved a call of the House, which motion prevailed.

Mr. Bennett moved that further proceedings under the call be suspended, which motion prevailed.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abbott, Ballinger, Bahl, Bereman, Ben-

nett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gaylord, Gary, Garber, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Joy, Knapp, Knox, Landes, Lowdon, Maxwell, McNutt, McCullough, McKean, Mills, Morgan, Olmstead, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Williams of Winnesheik—63.

The nays were none.

Absent or not voting, Messrs. Abernethy, Alcorn, Barnes, Barker, Belt, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Conway, DeForest, Gamble, Garrett, Glasgow, Godfrey, Hand, Huggins, Leffingwell, Linderman, McPherson, McLaughlin, O'Brien, Palmer, Poindexter, Rogers, Rohlf, Sapp, Sipple, Thorn, Van Leuven, Walden, Wilson of Dubuque, Wilson of Marshall, Mr. Speaker—34.

So the bill passed and the title was agreed to.

Mr. Bennett moved that the House do now adjourn, which motion prevailed, and the House adjourned.

7.30 O'CLOCK P. M.

House met pursuant to adjournment.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that House Substitute for Senate File No. 186, "A bill for an act regarding soldiers' orphans," has passed the Senate without amendment.

JAMES M. WEART,
Assistant Secretary.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order, being the majority and minority reports of the Joint Committee appointed to investigate the alleged diversion of the Swamp Land Indemnity Warrants, Mr. Barker moved that the minority report be substituted for that of the majority, and on this question, Mr. Fellows demanded the yeas and nays, which were as follows:

The yeas were Messrs. Alcorn, Ballinger, Barker, Bahl, Brown

of Decatur, Buck, Comfort, Lowdon, Martin, O'Brien, Wright, Wilson of Dubuque—13.

The nays were Messrs. Abernethy, Abbott, Barnes, Boomer, Brown of Madison, Brown of Van Buren, Carbee, Clark, Close, Conway, Darwin, Dashiell, Dudley, Emery, Finkbine, Flanders, Garber, Goodrich, Graves, Griffith, Hale, Hand, Holden, Joy, Knapp, Knox, Landes, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Poindexter, Rohlf, Russell, Sapp, Safely, Serrin, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—51.

Absent or not voting, Messrs. Belt, Bereman, Bennett, Bolter, Brown of Louisa, Brown of Winneshiek, Burnett, Crawford, DeForest, Dwelle, Fry, Gamble, Gaylord, Gary, Garrett, Glasgow, Godfrey, Holmes, Huggins, Leffingwell, Morgan, Olmstead, Palmer, Rogers, Runyan, Ryan, Sherman, Sipple, Travis, Van Leuven, Walden, Wilson of Marshall, Mr. Speaker—33.

So the motion did not prevail.

The question before the House being upon the adoption of the majority report, Mr. Fellows demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Abbott, Barnes, Boomer, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, Dudley, Emery, Fellows, Finkbine, Flanders, Gary, Garber, Goodrich, Graves, Griffith, Hale, Hand, Holden, Joy, Knapp, Knox, Landes, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Olmstead, Poindexter, Rohlf, Russell, Safely, Serrin, Tracy, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—55.

The nays were Messrs. Alcorn, Ballinger, Barker, Bahl, Brown of Decatur, Buck, Comfort, Holmes, Lowdon, Martin, Wright, Wilson of Dubuque—12.

Absent or not voting, Messrs. Belt, Bereman, Bennett, Bolter, Brown of Louisa, Brown of Winneshiek, DeForest, Dwelle, Fry, Gamble, Gaylord, Garrett, Glasgow, Godfrey, Huggins, Leffingwell, Morgan, Palmer, Rogers, Runyan, Sherman, Sipple, Thacher, Travis, Van Leuven, Walden, Wilson of Marshall, and Mr. Speaker.

So the majority report was adopted.

Mr. Hand moved that the resolutions reported by the Committee be adopted, which motion prevailed.

Mr. McKean moved that the special order appointed for 5 o'clock this afternoon, and omitted at that time on account of the adjournment of the House, be taken up.

The motion prevailed, and the House went into the consideration of the report of the joint committee appointed to examine into the alleged frauds committed by the American Emigrant Company.

The question before the House being the adoption of the resolutions reported by the committee,

Mr. Sherman moved to amend by substituting the following for the resolutions presented by the Committee :

Resolved by the General Assembly of the State of Iowa, That all the evidence taken before the Committee appointed to examine into the alleged frauds by the American Emigrant Company, and the report of that Committee to this General Assembly, be and the same is hereby referred to the Attorney General with instruction that said Attorney General, should he have sufficient evidence of fraud to warrant him in so doing, shall institute suit in the name of the State of Iowa, for the use and benefit of the counties interested.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed, without amendment, the House Joint Resolutions reported by the majority of the Committee on the alleged diversion of the Swamp Land Indemnity Fund.

I am further directed to inform your Honorable Body that the Senate has passed the following bills, in which the concurrence of the House is asked :

Senate File No. 227, A bill for an act to authorize actions to be brought in the name of the State for the recovery of Swamp Land indemnity money against the parties liable therefor.

Senate File No. 226, A bill for an act to amend Section 3673 of the Revision, and to regulate the foreclosure of deeds of trust in certain cases.

WEART, Ass't Secretary.

Mr. Dashiell moved the previous question, which was seconded and the main question ordered.

The question being on the adoption of the Resolution offered by Mr. Sherman it did not prevail.

The question recurring on the adoption of the Resolution reported by the Committee, Mr. McKean and Comfort demanded the yeas and nays which were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bahl, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, Dudley, Emery, Fellows, Finkbine, Flanders, Gaylord, Gary, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Russell, Sapp, Safely, Serrin, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Wilson

of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—72.

The nays were Messrs. Godfrey, Linderman, Sherman—3.

Absent or not voting, Messrs. Belt, Bereman, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Conway, DeForest, Dwelle, Fry, Gamble, Garrett, Huggins, Leffingwell, Palmer, Rogers, Runyan, Ryan, Sipple, Travis, Van Leuven, Walden, Mr. Speaker—22.

So the resolution was adopted.

Mr. Russell moved that the testimony taken before the Investigating Committee be excluded from the Journal.

The motion prevailed.

Mr. Landes moved that the House do now adjourn, which motion did not prevail.

By leave, Mr. Brown of Decatur offered the following resolution :

WHEREAS, There is an amount of Swamp Land Indemnity Fund due several of the counties of this State, owing to some improper use of said money at the State Capital, and said counties are very much in need of said money. Therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the sum of \$34,000.00 or so much thereof as may be necessary to adjust such claims be and the same is hereby appropriated out of any money belonging to the State revenue, not otherwise appropriated for the immediate payment of said claims to counties to which it belongs.

Mr. Finkbine moved that the resolutions be laid on the table, which motion prevailed.

MESSAGES FROM THE SENATE,

Being the regular order, the House took up House File No. 305.

The Senate amendments to the title of the bill were concurred in.

Upon the question of concurring in the Senate's amendment to House File No. 305, A bill for an act to provide for the publication and distribution of the Laws of the Eleventh General Assembly, the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bahl, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, Dudley, Emery, Fellows, Finkbine, Flanders, Gaylord, Gary, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holden, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Maxwell, McNutt, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Russell, Sapp, Safely, Serrin, Sherman, Tracy, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—68.

The nays were none.

Absent or not voting, Messrs. Ballinger, Belt, Bereman, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Conway, DeForest, Dwelle, Fry, Gamble, Garrett, Godfrey, Holmes, Huggins, Leffingwell, Martin, McPherson, McCullough, Palmer, Rogers, Runyan, Ryan, Sipple, Thacher, Van Leuven, Walden, Wilson of Dubuque, Mr. Speaker—29.

So the amendments were concurred in.

Substitute for Senate File No. 223, "A bill for an act to amend Sec. 1267 of the Revision of 1860, in relation to mill-dams."

The question being upon concurring in the Senate amendments, the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barker, Bennett, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, Dudley, Emery, Finkbine, Flanders, Gaylord, Gary, Garber, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Maxwell, McPherson, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Poindexter, Russell, Safely, Serrin, Sherman, Tracy, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—59.

Mr. Thacher voted in the negative.

Absent or not voting, Messrs. Ballinger, Barnes, Bahl, Belt, Bereman, Boomer, Bolter, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Clark, DeForest, Dwelle, Fellows, Fry, Gamble, Garrett, Glasgow, Huggins, Leffingwell, Linderman, Lowdon, Martin, Olmstead, Palmer, Rogers, Rohlfs, Runyan, Ryan, Sapp, Sipple, Travis, Van Leuven, Walden, Mr. Speaker—36.

So the amendments were concurred in.

House File No. 117, "A bill for an act in relation to county records."

The question being upon concurring in the amendments of the Senate, the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bahl, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Close, Comfort, Crawford, Darwin, Dashiell, Dudley, Emery, Fellows, Finkbine, Flanders, Gaylord, Gary, Garber, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Lowdon, Maxwell, McPherson, McCullough, McLaughlin, McKean, Mills, Morgan, Poindexter, Russell, Safely, Serrin, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—64.

Mr. O'Brien voted in the negative.

Absent or not voting, Messrs. Ballinger, Belt, Boomer, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Clark, Conway, DeForest, Dwelle, Fry, Gamble, Garrett, Glasgow, Huggins,

Leffingwell, Linderman, Martin, McNutt, Olmstead, Palmer, Rogers, Rohlf, Runyan, Ryan, Sapp, Sipple, Travis, Van Leuven, Walden, Wilson of Dubuque, Mr. Speaker—32.

So the amendment was concurred in.

A vacancy occurring in the Committee on Enrolled Bills, by the absence of Mr. Ryan, the Speaker appointed on that Committee, Mr. Graves.

House File No. 258, "A bill for an act to amend Chapter 172 of the acts of the regular session of the Ninth General Assembly."

The question being on concurring in the Senate amendments, Mr. Flanders moved a call of the House, which was not seconded.

Mr. Dudley moved that the House do now adjourn.

The motion to adjourn did not prevail.

Mr. Finkbine moved that House rule 42 be suspended for this evening. Lost.

The question recurring upon the motion to concur in the Senate amendments to House File No. 258, the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Barker, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Crawford, Darwin, Dashiell, Dudley, Emery, Fellows, Finkbine, Flanders, Gaylord, Glasgow, Godfrey, Goodrich, Graves, Hand, Holmes, Holden, Joy, Landes, Linderman, Lowdon, Maxwell, McPherson, McCullough, McLaughlin, McKean, Mills, Morgan, Poindexter, Russell, Safely, Sherman, Tisdale, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—52.

The nays were Messrs. Abbott, Alcorn, Ballinger, Barnes, Bahl, Clark, Close, Comfort, Gary, Garber, Griffith, Hale, Knapp, Knox, Martin, McNutt, O'Brien, Olmstead, Serrin, Tracy, Thomson, Thorn—21.

Absent or not voting, Messrs. Belt, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Conway, DeForest, Dwelle, Fry, Gamble, Garrett, Huggins, Leffingwell, Palmer, Rogers, Rohlf, Runyan, Ryan, Sapp, Sipple, Thacher, Travis, Van Leuven, Walden, Mr. Speaker—23.

So the amendments were concurred in.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bill:

House File No. 118, "A bill for an act to provide for the publication of general and local laws, and the proceedings of boards of supervisors, in the several counties," with amendments, in which the concurrence of the House is respectfully asked.

JAMES M. WEART, Ass't Sec'y.

Mr. Tisdale moved that the vote by which the bill passed be reconsidered, and that the motion to reconsider be laid upon the table.

The latter motion prevailed.

House File No. 260, "A bill for an act to amend Chapter 32 of the acts passed at the regular session of the 9th General Assembly."

The question being upon concurring in the Senate amendments, the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bahl, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, Emery, Fellows, Finkbine, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Joy, Knapp, Knox, Landes, Liuderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Poindexter, Russell, Safely, Serrin, Sherman, Tracy, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—68.

The nays were none.

Absent or not voting, Messrs. Ballinger, Belt, Bereman, Brown of Louisa, Brown of Winneshiek, Conway, DeForest, Dudley, Dwelle, Flanders, Fry, Gamble, Garrett, Huggins, Leffingwell, Martin, Olmstead, Palmer, Rogers, Rohlf, Runyan, Ryan, Sapp, Sipple, Thacher, Van Leuven, Walden, Wilson of Marshall, and Mr. Speaker—29.

So the amendments were concurred in.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked: Substitute for Senate File No. 62, A bill for an act in relation to the manner of redeeming land sold for taxes after three years."

JAMES M. WEART, Ass't Secretary.

Mr. McNutt moved that the House do now adjourn.

The motion to adjourn did not prevail.

Mr. Finkbine moved a call of the House, which was ordered.

The roll was then called, and absentees reported.

Mr. Holden moved that further proceedings under the call be dispensed with, which motion prevailed.

Mr. Sherman moved that when the House adjourn it be until next Monday morning at 8 o'clock, which motion prevailed.

Mr. Knox moved that the House do now adjourn.

The motion to adjourn did not prevail.

Mr. Holden moved that the consideration of Senate messages be

suspended, and the House do now take up the business as arranged by the "sifting committee."

The motion did not prevail.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to inform your Honorable Body that the Senate has passed the following bill: House File, No. 66, A bill for an act providing for the distribution of the Adjutant General's Reports of January, 1866," with amendments, in which the concurrence of the House is respectfully asked.

JAMES M. WEART, Ass't Secretary.

Mr. McNutt moved that the House do now adjourn.

The motion to adjourn did not prevail.

The House resumed the consideration of the regular order, being messages from the Senate.

A joint resolution for an executive committee to secure an appropriation from Congress for the improvement of the upper and lower rapids of the Mississippi river, was considered.

Mr. Finkbine moved to strike out the words "joint resolution" in the title, and insert in lieu thereof the words "A bill for an act," and to strike out the word "Resolved," and insert in lieu thereof the words, "Be it enacted by the General Assembly of the State of Iowa."

The amendment was adopted.

Mr. Tracy moved to add the usual publication clause, which motion prevailed.

Mr. O'Brien moved that the rule be suspended, and the bill read a third time now.

Mr. McNutt moved to lay this motion on the table, and on this question demanded the yeas nays, which were as follows :

The yeas were Messrs. Brown of Van Buren, Burnett, Close, Crawford, Darwin, Dashiell, Flanders, Gary, Garber, Goodrich, Griffith, Hale, Knox, Landes, Maxwell, McNutt, Morgan, Poin-dexter, Russell, Safely, Travis, Tisdale, Wright, Williams of Des Moines, Williams of Winnesheik—23.

The nays were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bennett, Boomer, Bolter, Brown of Decatur, Buck, Carbee, Clark, Comfort, Dudley, Emery, Fellows, Finkbine, Gaylord, Godfrey, Hand, Holmes, Holden, Joy, Knapp, Lowdon, Martin, McPherson, McCullough, Mills, O'Brien, Serrin, Sherman, Tracy, Thomson, Thorn, West, Wilcox, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall—43.

Absent or not voting, Messrs. Belt, Bereman, Brown of Louisa, Brown of Madison, Brown of Winnesheik, Conway, DeForest, Dwelle, Fry, Gamble, Garrett, Glasgow, Graves, Huggins, Linder-
erman, Leffingwell, McLaughlin, McKean, Olmstead, Palmer,

Rogers, Rohlf, Runyan, Ryan, Sapp, Sipple, Thacher, Van Leuven, Walden, and Mr. Speaker—31.

So the motion to lay on the table did not prevail.

Mr. Tisdale submitted the following report :

MR. SPEAKER :—Your Committee on Enrolled Bills have examined House Files No. 218 and 289, find them correctly enrolled, and I present them for your signature.

I also have Senate substitute for House File No. 186, which has been examined by Senate Committee and found correctly enrolled, and I present the same for your signature.

G. J. TISDALE, Chairman.

Mr. Barnes moved that the House do now adjourn.

Upon this question, Mr. Finkbine demanded the yeas and nays which were as follows :

The yeas were Messrs. Abbott, Alcorn, Ballinger, Barnes, Bolter, Buck, Burnett, Carbee, Comfort, Crawford, Dudley, Emery, Fellows, Gary, Garber, Griffith, Holden, Landes, Lowdon, Maxwell, McPherson, McCullough, McLaughlin, Mills, O'Brien, Poindexter, Russell, Thorn, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines—33.

The nays were Messrs. Abernethy, Bahl, Bennett, Boomer, Brown of Decatur, Brown of Van Buren, Close, Darwin, Dashiell, Dudley, Finkbine, Flanders, Godfrey, Goodrich, Graves, Hale, Hand, Holmes, Joy, Knapp, Knox, Martin, McNutt, McKean, Morgan, Safely, Serrin, Sherman, Tisdale, Thomson, Wilson of Jackson, Williams of Winneshiek—33.

Absent or not voting, Messrs. Barker, Belt, Bereman, Brown of Louisa, Brown of Madison, Brown of Winneshiek, Conway, DeForest, Dwelle, Fry, Gamble, Gaylord, Glasgow, Garrett, Huggins, Leffingwell, Linderman, Olmstead, Palmer, Rogers, Rohlf, Runyan, Ryan, Sapp, Sipple, Tracy, Thacher, Travis, Van Leuven, Walden, Wilson of Marshall, Mr. Speaker—32.

So the motion to adjourn did not prevail.

Mr. Fellows moved that the House do now adjourn, which motion prevailed and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, April 2, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Wetmore.

Mr. Sherman moved that the reading of the journal be dispensed with, which motion prevailed.

Mr. Conway moved a call of the House.

The roll was called and the absentees reported.

Mr. Close moved that further proceedings under the call be suspended.

The motion to suspend the call did not prevail.

The names of the absentees were then called.

Mr. Conway moved that further proceedings under the call be suspended.

The motion to suspend the call prevailed.

The order of business being House File No. 325, A bill for an act for the appointment of an Executive Committee to secure appropriation from Congress for the improvement of the upper and lower Mississippi Rapids.

Mr. Wilson of Dubuque moved to postpone the consideration of the bill until 2 o'clock P. M.

The motion to postpone prevailed.

SENATE MESSAGES.

Being the regular order the House went into the consideration of Senate File No. 226, A bill for an act to amend Section 3673 of the Revision of 1860.

The bill was read a first and second time.

Ordered that the bill be read a third time.

Mr. Maxwell moved that the rule be suspended and the bill read a third time now.

The motion prevailed and the bill was read a third time.

On the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Ballinger, Barnes Barker, Boomer, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, DeForest, Emery, Fellows, Finkbine, Gamble, Gaylord, Garrett, Garber, Glasgow, Godfrey, Goodrich, Griffith, Hale, Holmes, Knapp, Knox, Linderman, Martin, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Rohlf, Russell, Ryan, Sapp, Serrin, Sherman, Thacher, Tisdale, Thomson, Thorn, Van Leven, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—59.

The nays were Messrs. Conway, Dudley, Flanders, Dashiell, Gary, Graves, Joy, Landes Lowdon, Poindexter, Safely, West—12.

Absent or not voting, Messrs. Abernothy, Alcorn, Bahl, Belt, Bolter, Brown of Winneshiek, Darwin, Dudley, Fry, Hand, Holden, Huggins, Leffingwell, McPherson, Palmer, Rogers, Runyan, Ryan, Serrin, Sipple, Tracy, Travis, Walden, Wilcox, Mr. Speaker—25.

So the bill passed and the title was agreed to.

By leave, Mr. Sapp presented the following report :

The Committee on Federal Relations to whom was referred the accompanying preamble and resolution, have had the same under advisement and have directed me to report the same back to the House with the recommendation that the same do pass.

WILLIAM F. SAPP, Chairman.

The Committee on Federal Relations to whom was referred the accompanying memorial, have had the same under advisement and have instructed me to report the same back to the House, stating that the subject matter thereof has heretofore been reported upon to the House by said Committee.

WILLIAM F. SAPP, Chairman.

The Committee on Federal Relations to whom was referred the resolution herewith returned, have considered the same and I am directed to report the same back to the House without recommendation, as the same subject matter has heretofore been reported upon by this Committee.

WILLIAM F. SAPP, Chairman.

The Committee on Federal Relations to whom was referred the accompanying preamble and resolution, have had the same under advisement and have directed me to report the same back to the House without recommendation.

WILLIAM F. SAPP, Chairman.

The Committee on Federal Relations to whom was referred the accompanying preamble and resolution, have had the same under advisement and have directed me to report the same back to the House and recommend that the same do not pass.

WILLIAM F. SAPP, Chairman.

The Committee on Federal Relations have had the accompanying petition under advisement and have directed me to report the same back to the House without recommendation.

WILLIAM F. SAPP, Chairman.

Messrs. Bennett and Sapp were granted leave to have their votes recorded on the passage of bills which passed the House in their absence.

House File No. 262, A bill for an act in relation to the manner of redeeming land sold for taxes after three years, was read a first and second time.

Ordered that the bill be read a third time.

Mr. Maxwell moved that the rule be suspended, and the bill read a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Barker, Burnett, Clark, Close, Comfort, Crawford, Dudley, Emery, Fellows, Gamble, Gaylord, Garber, Glasgow, Graves, Hale, Holmes, Joy, Knapp,

Knox, Linderman, Maxwell, McPherson, McCullough, McLaughlin, McKean, Russell, Safely, Serrin, Sherman, Tisdale, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—38.

The nays were Messrs. Alcorn, Ballinger, Barnes, Bereman, Boomer, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Carbee, Conway, Darwin, Dashiell, DeForest, Flanders, Goodrich, Griffith, Landes, Lowdon, Martin, McNutt, Mills, Morgan, O'Brien, Olmstead, Poindexter, Runyan, Sapp, Thacher, Thorn, Van Leuven, Wilson of Dubuque, Wilson of Marshall—33.

Absent or not voting, Messrs. Bahl, Belt, Bennett, Bolter, Brown of Winneshiek, Dwelle, Finkbine, Fry, Gary, Garrett, Godfrey, Hand, Holden, Huggins, Leffingwell, Palmer, Rogers, Rohlf's, Ryan, Sipple, Tracy, Travis, Thomson, Walden, and Mr. Speaker—25.

So the bill was lost for want of a constitutional majority.

By leave, Mr. Wilson of Dubuque introduced the following resolution, which was unanimously adopted :

Resolved, That the thanks of this House are hereby tendered to the Hon. Ed Wright for his able, faithful and impartial discharge of the duties of Speaker of this House, and he has our sympathy in his present sickness, and our earnest desires that he may be speedily restored to health.

Senate File 227, A bill for an act to authorize action to be brought in the name of the State, was read a first and second time.

Ordered that the bill be read a third time.

Mr. Clark moved that the rule be suspended, and the bill read a third time now.

The motion to suspend the rule prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abbott, Alcorn, Barnes, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Emery, Fellows, Finkbine, Flanders, Gamble, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Griffith, Hale, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Rohlf's, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Thacher, Travis, Tisdale, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—73.

The nays were Mr. Ballinger—1.

Absent, or not voting, Messrs. Abernethy, Bahl, Belt, Barker, Bolter, Brown of Winneshiek, Dudley, Fry, Garrett, Graves, Hand,

Huggins, Leffingwell, McPherson, Poindexter, Rogers, Sapp, Sipple, Tracy, Thomson, Walden, Mr. Speaker—22.

So the bill passed, and the title was agreed to.

By leave, Mr. Darwin submitted the following joint resolution.

Be it resolved by the General Assembly of the State of Iowa, That in pursuance of an act regarding soldiers' orphans, there is hereby appointed the following persons as a Board of Trustees of the Iowa Soldiers' Orphans' Home :

From the State at large—J. W. Cattell, of Polk county.

From the First Congressional District—Thomas E. Corkhill, of Des Moines county.

Second District—J. A. Parvin, of Muscatine county.

Third District—L. W. Hart, of Buchanan county.

Fourth District—N. H. Brainard, of Johnson county.

Fifth District—S. L. Glasgow, of Wayne county.

Sixth District—J. B. Powers, of Black Hawk county.

Mr. Burnett moved that the consideration of the resolution be postponed until 3 P. M.

The motion to postpone to three o'clock prevailed.

House File No. 118, A bill for an act to provide for the publication of the general laws and of the proceedings of the boards of supervisors in the several counties, was taken up.

The question being on concurring in the amendments by the Senate, Mr. Martin moved the previous question, which was seconded, and the main question ordered.

On the question "Shall the amendments of the Senate be concurred in?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bereiman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Conway, Darwin, Dashiell, DeForest, Dwelle, Fellows, Finkbine, Flanders, Gamble, Gaylord, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Joy, Knapp, Landes, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Sherman, Tracy, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek—65.

The nays were Messrs. Comfort, Crawford, Dudley, Emery, Fry, Knox, Sapp, Safely, Thacher, Travis, Wilson of Jackson—11.

Absent or not voting, Messrs. Barker, Bahl, Belt, Brown of Louisa, Brown of Winneshiek, Gary, Garrett, Hand, Huggins, Leffingwell, McPherson, McLaughlin, Palmer, Rogers, Serrin, Sipple, Van Leuven, Walden, Wilson of Dubuque, and Mr. Speaker—20.

So the amendments were concurred in.

House File No. 66, A bill for an act to provide for the distribution of the Adjutant General's Report of January, 1866, was taken up.

The question being on concurring in the Senate amendments, the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Bereman, Bennett, Boomer, Bolter, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Conway, Crawford, DeForest, Dwelle, Fellows, Finkbine, Fry, Gamble, Gaylord, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Maxwell, McNutt, McCullough, McKean, Mills, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Sherman, Thacher, Tisdale, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—57.

The nays were Messrs. Brown of Decatur, Comfort, Dashiel, Emery, Flanders, Gary, Garrett, Lowdon, Safely, Serrin, Thomson, Thorn, Wilson of Dubuque—15.

Absent or not voting, Messrs. Abbott, Barker, Bahl, Belt, Brown of Winnesheik, Darwin, Dudley, Hand, Huggins, Leffingwell, Martin, McPherson, McLaughlin, Morgan, Palmer, Rogers, Russell, Ryan, Sapp, Sipple, Travis, Van Leuven, Walden, Wright, Mr. Speaker—25.

So the amendments were concurred in.

Messrs. Bereman and Garrett had leave to have their votes recorded on sundry bills passed during their absence.

The report of the Sifting Committee being in order, the following bills were taken up :

House File No. 185, A bill for an act to provide for the collection and settlement of the Eads' School Fund matter and mortgages, and for other purposes, was taken up.

The recommendation of the Committee on Schools that the bill lie upon the table was concurred in.

House File No. 290, A bill for an act to amend Section 1901, of the Revision of 1860, Chapter 81, relating to unreclaimed goods, was taken up and considered.

Ordered that the bill be read a third time.

Mr. Sapp moved that the rule be suspended and the bill read a third time now.

The motion to suspend the rule prevailed.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Close, Comfort, Crawford, Darwin, Dashiel, DeForest, Dudley, Dwelle, Emery, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Griffith, Hale, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter,

Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—69.

The nays were Messrs. Bereman, Conway—2.

Absent or not voting, Messrs. Ballinger, Barker, Bahl, Belt, Brown of Winneshiek, Clark, Fellows, Finkbine, Flanders, Fry, Gamble, Goodrich, Graves, Hand, Holmes, McLaughlin, Palmer, Rogers, Russell, Sipple, Thacher, Van Leuven, Walden, and Mr. Speaker—25.

So the bill passed, and the title was agreed to.

House File No. 173, A bill for an act to enlarge the rights of married women, was taken up and considered.

Ordered that the bill be read a third time.

Mr. Maxwell moved that the rule be suspended and the bill read a third time now.

The motion to suspend the rule prevailed and the bill was read a third time.

On the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Flanders, Fry, Gamble, Gary, Garber, Godfrey, Graves, Griffith, Hale, Holmes, Holden, Huggins, Joy, Knapp, Knox, Linderman, Lowdon, Maxwell, McNutt, McCullough, Mills, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Ryan, Safely, Serrin, Tracy, Travis, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—64.

The nays were none.

Absent or not voting, Messrs. Ballinger, Barker, Bahl, Belt, Brown of Winneshiek, Clark, Finkbine, Gaylord, Garrett, Glasgow, Goodrich, Hand, Landes, Leffingwell, Martin, McPherson, McLaughlin, McKean, Morgan, Palmer, Rogers, Russell, Sapp, Sherman, Sipple, Thacher, Van Leuven, Walden, Wilson, Williams of Winneshiek, Mr. Speaker—30.

So the bill passed and the title was agreed to.

Mr. Tisdale from the Committee on Enrolled Bills submitted the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File Nos. 323, 300, 223, 260, 282, and 117, find them correctly enrolled, and I present the same for your signature.

I also have to report that House File Nos. 218 and 289, have been duly signed by the Speaker of this House and the President of the Senate and presented to the Governor for his signature.

G. J. TISDALE, Chairman.

Substitute for House File No. 145, "A bill for an act apportioning the State of Iowa into Representative Districts," was taken up and considered.

The substitute was adopted.

Ordered, that the bill be read a third time.

Mr. Maxwell moved that the rule be suspended and the bill read a third time now, which motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Barnes, Barker, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Graves, Griffith, Hale, Holmes, Holden, Huggins, Joy, Knapp, Landes, Leffingwell, Lowdon, Martin, Maxwell, McNutt, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson—67.

The nays were none.

Absent or not voting, Messrs. Abernethy, Abbott, Alcorn, Bahl, Belt, Boomer, Brown of Winneshiek, Clark, Darwin, Gaylord, Goodrich, Hand, Knox, McPherson, McLaughlin, McKean, Mills, Palmer, Rogers, Sherman, Sipple, Van Leuven, Walden, Wilson of Dubuque, Wilson of Marshall, Williams of Winneshiek, and Mr. Speaker—29.

So the bill passed, and the title was agreed to.

Mr. Tisdale, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills have Senate Files 132, 81, 217, 211, 137, and 123, which have been examined and found correctly enrolled by the Senate Committee, and I present them for your signature.

G. J. TISDALE, Chairman.

House File 309, A bill for an act to legalize the acts of the Board of Supervisors of Webster county, in the \$3,000 appropriation, was taken up and ordered to be read a third time.

Mr. Alcorn moved that the rule be suspended, and the bill read a third time now, which motion prevailed, and the bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barker, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Close, Comfort, DeForest, Dudley, Dwelle, Fellows, Finkbine, Flanders, Gamble, Gaylord, Garber, Glasgow, Godfrey, Graves, Griffith, Hale, Huggins, Joy, Knox,

Landes, Leffingwell, Lowdon, Martin, McNutt, McKean, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Sapp, Serrin, Tracy, Thacher, Tisdale, Thomson, Wright, Williams of Des Moines, Wilson of Jackson, Williams of Winnesheik—53.

The nays were Messrs. Barnes, Bereman, Carbee, Conway, Crawford, Darwin, Dashiell, Emery, Fry, Gary, Garrett, Knapp, Linderman, Maxwell, McCullough, Russell, Ryan, Safely, Travis, Wilcox, Wilson of Marshall—21.

Absent or not voting, Messrs. Ballinger, Bahl, Belt, Brown of Winnesheik, Clark, Goodrich, Hand, Holmes, Holden, McPherson, West, Mills, Palmer, Rogers, Sherman, Sipple, Thorn, Van Leuven, Walden, West, Wilson of Dubuque, Mr. Speaker—22.

So the bill passed and the title was agreed to.

Mr. Bennett moved that the 42d Rule be suspended for this day, which motion prevailed.

Substitute for Senate Files 52 and 61, A bill for an act providing for the sale of lands, was taken up.

The question being on concurring in the amendments of the committee, Mr. Darwin moved that the bill be laid on the table.

The motion to lay on the table prevailed.

House File 310, A bill for an act to protect fish, was taken up.

Mr. Maxwell moved to lay the bill on the table, which motion did not prevail.

Ordered that the bill be read a third time now.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Dashiell, DeForest, Dwelle, Gaylord, Glasgow, Godfrey, Goodrich, Griffith, Hale, Holmes, Holden, Huggins, Joy, Knapp, Landes, Maxwell, McNutt, McCullough, McKean, Mills, O'Brien, Poindexter, Runyan, Safely, Sherman, Tisdale, Thomson, West, Wilcox, Williams of Des Moines, Wilson of Marshall, Williams of Winnesheik—44.

The nays were Messrs. Alcorn, Ballinger, Barnes, Bereman, Bennett, Bolter, Brown of Decatur, Comfort, Darwin, DeForest, Dudley, Emery, Flanders, Fry, Gamble, Gary, Garrett, Garber, Graves, Knox, Leffingwell, Lowdon, Martin, Morgan, Olmstead, Rohlf, Russell, Ryan, Sapp, Tracy, Thacher, Travis, Wright, Wilson of Dubuque—34.

Absent or not voting, Messrs. Barker, Bahl, Belt, Brown of Winnesheik, Clark, Fellows, Finkbine, Hand, McPherson, McLaughlin, Palmer, Rogers, Serrin, Sipple, Thorn, Van Leuven, Walden, and Mr. Speaker—18.

So the bill was lost for want of a Constitutional majority.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bill :

House File No. 324, A bill for an act making appropriations for the per diem and expenses of the Eleventh General Assembly and for other purposes with amendments, in which the concurrence of the House is respectfully asked.

JAMES M. WEART, Ass't Secretary.

Mr. Bennett moved to reconsider the vote by which House File No. 310 was lost.

Mr. Flanders moved to lay the motion to reconsider on the table. The motion to lay upon the table prevailed.

By leave, Mr. Glasgow called up House File No. 324, A bill for an act making appropriation for the *per diem* of the members and officers of the Eleventh General Assembly, and for other purposes.

The question being on concurring in the amendments of the Senate, the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Barker, Bennett, Boomer, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Conway, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—77.

The nays were Messrs. Bereman, Comfort, Crawford—3.

Absent or not voting, Messrs. Ballinger, Bahl, Belt, Brown of Winneshiek, Hand, McPherson, McLaughlin, Palmer, Rogers, Sipple, Van Leuven, Walden, West, Mr. Speaker—15.

So the amendments were concurred in.

House File No. 159, A bill for an act amending certain sections of the laws in relation to the school fund, was taken up.

The question being on concurring in the amendments of the Committee, they were adopted.

Ordered that the bill be read a third time now.

On the question "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Close, Comfort, Conway, Crawford, Dashiell, DeForest, Dwelle, Emery, Fel-

Iowa, Finkbine, Flanders, Gamble, Garber, Gaylord, Gary, Glasgow, Goodrich, Graves, Griffith, Hale, Holden, Huggins, Joy, Knapp, Landes, Leffingwell, Linderman, Maxwell, McNutt, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Russell, Ryan, Safely, Serrin, Sherman, Tracy, Thacher, Tisdale, Thorn, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—69.

The nays were Messrs. Dudley, Garrett, Knox, Travis, Thomson—5.

Absent or not voting, Messrs. Barnes, Bahl, Belt, Brown of Winneshiek, Clark, Darwin, Fry, Godfrey, Hand, Holden, Landes, Martin, McPherson, McLaughlin, Palmer, Rogers, Runyan, Sapp, Sipple, VanLeuven, Walden, Mr. Speaker—22.

So the bill passed and the title was agreed to.

Mr. Tisdale, from the Committee on Enrolled Bills, submitted the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills, have examined House Files 118 and 305, and joint resolution, relating to the report of the Investigation Committee of the swamp land indemnity warrants, find the same correctly enrolled, and I herewith present them for your signature.

G. J. TISDALE, Chairman.

Senate File No. 8, A bill for an act providing for establishing private roads in the State of Iowa was considered.

Ordered that the bill be read a third time now.

The bill was read a third time.

Upon the question "shall the bill pass" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bereman, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Clark, Close, Comfort, Conway, Crawford, Darwin, DeForest, Dudley, Dwelle, Emery, Finkbine, Fry, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Holmes, Holden, Joy, Knapp, Knox, Maxwell, McNutt, McCullough, Mills, Olmstead, Poindexter, Rohlf, Russell, Ryan, Sapp, Serrin, Sherman, Thacher, Travis, Tisdale, Thomson, West, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—53.

The nays were Messrs. Barker, Bennett, Carbee, Dashiell, Fellows, Flanders, Gamble, Huggins, Landes, Linderman, Lowdon, Martin, McKean, Morgan, O'Brien, Safely, Tracy—17.

Absent or not voting, Messrs. Bahl, Belt, Boomer, Bolter, Brown of Louisa, Brown of Winneshiek, Gaylord, Godfrey, Griffith, Hale, Hand, Leffingwell, McCullough, McLaughlin, Palmer, Rogers, Runyan, Sipple, Thorn, Van Leuven, Walden, Wright, Wilson of Marshall, Mr. Speaker—24.

So the bill passed and the title was agreed to.

Senate substitute for House File No. 275, A bill for an act to legalize the acts of Majors in the military service of the United States, was taken up.

The substitute was adopted.

Ordered that the bill be read a third time now.

The bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Barker, Boomer, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Close, Oomfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Fellows, Finkbine, Flanders, Fry, Gary, Garrett, Garber, Godfrey, Goodrich, Graves, Holden, Huggins, Joy, Knapp, Knox, Lettingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf's, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Travis, Tisdale, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—69.

The nays were none.

Absent or not voting, Messrs. Abbott, Bahl, Belt, Bolter, Brown of Winneshiek, Clark, Gamble, Gaylord, Emery, Glasgow, Griffith, Hale, Hand, Holmes, Landes, Linderman, McLaughlin, Palmer, Rogers, Sipple, Thacher, Thomson, Van Leuven, Walden, Wright, Wilson of Dubuque, Mr. Speaker—27.

So the bill passed and the title was agreed to.

By leave, Mr. Russell called up House File No. 219, A bill for an act to legalize the official acts of S. A. Johnson, a justice of the peace of Tama county.

Ordered, that the bill be read a third time now.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bereman, Bennett, Boomer, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, Dudley, Dwelle, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Griffith, Holden, Joy, Knapp, Knox, Landes, Lettingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf's, Runyan, Russell, Sapp, Safely, Serrin, Sherman, Tracy, Thorn, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—68.

The nays were Messrs. Flanders and Ryan—2.

Absent or not voting, Messrs. Bahl, Belt, Bolter, Brown of Winnesheik, Conway, Emery, Fellows, Gamble, Glasgow, Graves, Hale,

Hand, Holmes, Huggins, McNutt, McLaughlin, Palmer, Rogers, Sipple, Thacher, Travis, Thomson, Van Leuven, Walden, Wilson of Dubuque, Mr. Speaker—26.

So the bill passed, and the title was agreed to.

Mr. Tisdale, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills has presented to the Governor for his signature, House Files No. 118 and 305, and Joint Resolution relating to evidence taken by the Swamp Land Investigation Committee, the same having been duly signed by the Speaker of this House and the President of the Senate.

Respectfully subcritted,

G. J. TISDALE, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the House proposal to amend the Constitution of the State of Iowa, with an amendment, in which the concurrence of the House is asked.

I return herewith House File No. 138, A bill for an act for due reference and publication of proposal to amend the Constitution of the State of Iowa, which has passed the Senate without amendment.

JAMES M. WEART,
Assistant Secretary.

Substitute for House File No. 171, A bill for an act to retire the circulation of bank notes of the State Bank of Iowa, was taken up.

The question being on the adoption of the substitute, it prevailed.

Ordered that the bill be read a third time.

The bill was read a third time.

On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Barker, Bereman, Bennett, Brown of Van Buren, Burnett, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Finckbine, Flanders, Fry, Gaylord, Garrett, Garber, Glasgow, Godfrey, Goodrich, Holden, Huggins, Joy, Knapp, Knox, Leffingwell, Linderman, London, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—63.

The nays were Messrs. Alcorn, Brown of Decatur, Brown of Madison, Carbee, Comfort, Martin, Serrin, Wright—7.

Absent or not voting, Messrs. Abernethy, Ballinger, Barnes, Bahl, Belt, Boomer, Bolter, Brown of Winneshiek, Buck, Emery, Fellows, Gamble, Gary, Graves, Griffith, Hale, Hand, Holmes, Landes, McLaughlin, Palmer, Rogers, Russell, Thacher, West, Walden, Mr. Speaker—26.

So the bill passed and the title was agreed to.

Substitute for House File No. 62, A bill for an act to amend and explanatory of Section 1, Chapter 118, of the Acts of the Tenth General Assembly approved March 19th, 1864, was taken up.

The question being on the adoption of the substitute, it prevailed.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bereman, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Fellows, Finkbine, Flanders, Gamble, Gaylord, Garber, Glasgow, Goodrich, Graves, Griffith, Joy, Knapp, Landes, Leffingwell, Linderman, Lowdon, Martin, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Thomson, Thorn, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—65.

The nays were Messrs. Fry, Gary, Garrett, Travis—4.

Absent or not voting, Messrs. Bennett, Boomer, Bolter, Brown of Winneshiek, Bahl, Belt, Emery, Gary, Godfrey, Hale, Hand, Holmes, Holden, Huggins, Knapp, Maxwell, McLaughlin, Palmer, Rogers, Russell, Sipple, Tisdale, Van Leuven, Walden, West, Wilson of Dubuque, and Mr. Speaker—27.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to return herewith substitute for House File No. 192, A bill for an act to permanently locate the Institution for the Deaf and Dumb Asylum at Council Bluffs, it having passed the Senate without amendment.

JAMES M. WEART, Asst. Secretary.

Senate File No. 210; A bill for an act to prevent Indian trespass and depredations, was taken up.

Mr. Clark offered the following amendment to section 1st: *Provided*, That nothing in this act contained shall be construed to affect in any manner those Indians who have a residence in this State, known as the Musquakas.

The amendment was adopted.

Mr. Tracy moved that the bill be indefinitely postponed.

Mr. Flanders moved to lay the bill on the table.

On this question, Mr. Sapp demanded the yeas and nays, which were as follows :

The yeas were Messrs. Ballinger, Barker, Bereman, Bennett, Burnett, Carbee, Dashiell, DeForest, Emery, Flanders, Garber, Holmes, Holden, McNutt, McCullough, Olmstead, Russell, Safely, Tracy, Travis, Thomson, West, Wilson of Jackson—23.

The nays were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Clark, Close, Comfort, Crawford, Darwin, Dudley, Dwelle, Fellows, Finkbine, Fry, Gamble, Gaylord, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McKean, Mills, Morgan, Rohlf, Runyan, Ryan, Sapp, Sherman, Thatcher, Tisdale, Thorne, Wilcox, Wright, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek—54.

Absent or not voting, Messrs. Bahl, Belt, Boomer, Brown of Winneshiek, Conway, Hale, Hand, McPherson, McLoughlin, Palmer, Poindexter, Rogers, Serrin, Sipple, Van Leuven, Walden, Wilson of Dubuque, Mr. Speaker—19.

So the motion to lay on the table did not prevail.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to return herewith House File No. 170, A bill for an act to accept of the grant and carry into execution the trust conferred upon the State of Iowa, by an act of Congress entitled an act for a grant of land to the State of Iowa in alternate sections to aid in the construction of a railroad in said State, it having passed the Senate without amendment.

JAMES M. WEART,

Assistant Secretary.

The question recurring on the motion to indefinitely postpone, it was lost.

Ordered that the bill be read a third time now.

On the question " Shall the bill pass ? " the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Clark, Close, Comfort, Crawford, Darwin, Dwelle, Fry, Gamble, Gaylord, Gary, Garrett, Goodrich, Graves, Griffith, Joy, Knapp, Knox, Linderman, Lowdon, Martin, Maxwell, McPherson, Morgan, Olmstead, Runyan, Ryan, Sapp, Thatcher, Tisdale, Thorne, West, Wilcox, Wright, Williams of Des Moines, Williams of Winneshiek—44.

The nays were Messrs. Ballinger, Barnes, Barker, Bereman, Bennet, Boomer, Burnett, Carbee, Dashiell, DeForest, Dudley, Emery, Fellows, Finkbine, Flanders, Garber, Glasgow, Godfrey, Holmes, Holden, Landes, Leffingwell, McNutt, McCullough, McKean, Mills, Olmstead, Rohlf, Russell, Safely, Tracy, Travis, Thomson, Wilson of Jackson—32.

Absent or not voting, Messrs. Bahl, Belt, Boomer, Brown of Winneshiek, Conway, Hale, Holmes, Huggins, McLaughlin, Palmer, Poindexter, Rogers, Serrin, Sipple, Van Leuven, Walden, Wilson of Dubuque, Mr. Speaker—19.

So the bill was lost for want of a constitutional majority.

Mr. McNutt announced the decease of Hon. N. T. Brown of Louisa, and spoke as follows:

MR. SPEAKER:—The melancholy duty devolves upon me of announcing to this House the decease of one of our number, Hon. N. T. Brown, Representative from the county of Louisa. The seat which he has occupied on this floor, until within a few days ago, has been vacated by him forever. Less than two weeks have elapsed since a stranger looking at this body of men would have pointed him out as one likely to outlive the majority of us. But the ways of Providence are mysterious, and the stern messenger, death, singled him out from among us all. His spirit has returned to God who gave it, and yesterday his remains were consigned to the cold and silent tomb.

Some ten days previous to his death, while sitting at his desk, now vacant before you, he felt so sick and chilly, of what he supposed to be only a bad cold, that he was compelled to leave this Hall and repair to his room at his boarding house; from that room he never returned. It was soon discovered that he was laboring under a severe attack of pneumonia. A telegram of the fact was dispatched to his family, and in the meantime he was carefully nursed by fellow members of this House and friends he had made here, and was attended by the best medical skill. His wife and son arrived several days before his death, and watched by his bedside till the last sad hour. A widowed wife and a large family of children now mourn his loss.

At the time of his death he was but a little over forty-six years of age. Born in Kentucky, his boyhood was spent in Ohio, he emigrated to Iowa in his twenty-second year, and during the past twenty-four years has resided alternately in Muscatine and Louisa counties, only a few miles from my own home. And I state but the simple truth in saying, that as a husband, a father, a devoted Christian, and an estimable neighbor, no man stood higher among those who knew him. He never had the faculty of gathering together much of this world's wealth; but he was known as that noblest work of God, "*an honest man*," and long since learned to lay up treasures for himself where neither moth nor rust doth corrupt, nor thieves break through nor steal.

Last year, when the people of Louisa county sought a proper man to represent them in this branch of the General Assembly, they passed by the able lawyers, the ambitious politicians, the wealthy owners of princely mansions, in their rich county, and sought the humble cottage of "Squire Brown," a plain farmer who earned his bread by the sweat of his face. They loved him for his goodness, they honored him for his virtues, and they trusted him for his integrity; and their love, their honor, and their trust were all well placed.

During nearly three months he has shared in our deliberations; and we can all bear testimony to the gentlemanly bearing of the quiet, unobtrusive, yet faithful and attentive member from Louisa. His candid, open countenance bespoke a manly spirit and an honest heart.

But he has gone to the land beyond the river—to where the Tree of Life is blooming and bearing fruits celestial. There, on the happy fields of light, whither his hopes had flown before, the good man's soul hath found its home, free from sickness, care, and toil. Let us who remain, learn so to live, that, when we come to die, we may be able to look back upon a life well spent, and with an unfaltering hope in a happy immortality, meet our end in peace.

MESSAGE FROM THE SENATE.

MR. SPEAKER:—I am directed to return herewith House Joint Resolution asking Congress to pass an act declaring and establishing the bridge and railroad track across the Mississippi river at Clinton, Iowa, a mail route, which has passed the Senate without amendment.

JAMES M. WEART,
Assistant Secretary.

Mr. McNutt offered the following resolution:

WHEREAS, The hand of an all wise Providence has taken from among us one of our Members, Hon. N. T. Brown, Member from Louisa county, in the prime of life and in the midst of usefulness, and

WHEREAS, by his unwavering integrity, his unblemished moral character, and his patriotic and Christian devotion in the cause of humanity he has embalmed his memory in the hearts of all with whom he had intercourse, therefore

Resolved, That the Members of this House recognize the hand of God in this deeply afflicted dispensation of his Providence, and humbly bow in submission to his will.

Resolved, That we not only cherish the highest regard for the deceased, but we do most cordially extend to his bereaved wife and family the devout sympathy of our hearts, and commend them to the kind protection of Him who has ever been the widow's shield and orphan's help.

Resolved, That the Secretary of State be directed to have these resolutions printed in the "Iowa State Register" and a copy thereof forwarded to the family of the deceased.

Resolved, That this House do now adjourn.

In seconding the motion to adopt the resolutions Mr. Burnett said :

MR. SPEAKER:—Permit me to add a few words to what has been already so well said about the lamented death of the Member from Louisa.

His vacant chair, clad in the habiliments of mourning, speaks to us in silent yet solemn warning. Our chairs will soon be vacant and we know not who will fill them for us. Other members—other husbands and fathers will soon be called to follow our brother to the grave. Other households will be left desolate and the shadow that now hangs so heavily upon this bereaved family may soon rest upon our households.

This is the last day of the session and we soon part to meet no more on earth. Our brother has but gone before us. "Brown of Louisa" will not again answer to the roll call of this General Assembly. *He has gone up higher* to the city of the living God, the heavenly Jerusalem and the innumerable company of angels. To the *General Assembly* and church of the first-born which are written in Heaven and to God, the Judge of all, and he is with the hundred and forty-four thousand who are on Mount Zion, in the presence of the Lamb.

Let us heed the solemn lesson of his death. It speaks to us impressively—" *be ye also ready* " for we know not the day nor the hour when we shall be summoned from our work here on earth to the bar of the ruler of the universe. While we are as legislators, making laws for this State, let us not forget that we are the subjects of the *great Law giver* and that He has power at any hour to call us into His presence to give an account for the deeds done in the body. Then earthly honors will avail us nothing. The gold of California or the wealth of the Indies can not then redeem our souls. When we descend into the dark valley of the shadow of death there will be no stay nor support for us unless we lean upon the arm of our blessed Redeemer who *died* that we might *live*. He is ever willing to stretch out to us his strong arm. He will meet us at the rolling river and bear us up so that the waters will not come over us.

But to receive this support in the trying hour of death we must like our brother from Louisa *believe* on the Lord Jesus and *serve* Him. He will not then desert us. God grant that we may so live that we may die the death of the righteous, and that our last end may be like his.

We can offer no words of comfort or consolation to the bereaved widow and the afflicted children.

The Lord has broken, and he alone can heal. The Lord has af-

flicted and he alone can pour the oil of consolation into their crushed hearts. God alone can give them grace to say "the Lord gave and the Lord hath taken away and blessed be His holy name." But we can tender to them our heartfelt sympathy. We can mingle our tears with theirs. Those of us who have been like afflicted know full well how comforting these acts of kindness are and how consoling it is to feel that we are not forgotten in our deep sorrow.

May the good Lord bless and comfort them.

May the good Lord go with this stricken family to their desolate home.

May God in His providence enable us to give heed to this solemn warning and induce us to set our houses in order for His coming.

Mr. Holden spoke as follows :

MR. SPEAKER:—In respect to the memory of the departed Representative, and in regard for the county which formed his constituency, I second the motion for the adoption of the resolutions.

MR. SPEAKER:—When the Executive of our State addresses his messages to us, we listen with respectful consideration. When the Chief Magistrate of the Nation speaks to us, we give to his words our deliberate reflection. But in this event, a voice, higher and more serious, addresses us in solemn tones, "Be still, and know that I am God."

Once before, during this session, has the Dark Angel spoken to us; and to me his voice is peculiarly solemn. In the death of Mr. Stockman, of Keokuk county, he bereaved the county adjoining my own, upon the west; and now, my colleague. Passing over us, he visits the county upon our eastern borders. When, in his flights, he may descend and take us, instead of passing over us, is a question for our most solemn consideration. With a large portion of the people of both these counties, I am personally acquainted; and these bereavements are home matters to me.

MR. SPEAKER:—God has many ways of speaking to us as a nation and as individuals. Sometimes in the fearful destructions of the storm; sometimes in terrible war; sometimes in overwhelming calamity, or in sweeping pestilence, and often in the visitations of His Dark Angel, Death. Let not His voice be unheeded, but let us learn the lesson of mortality which these bereavements teach.

It is, indeed, a satisfaction that the memory of Mr. Brown is that of a good man and a Christian, and that no shadows of evil rest upon his name.

"As, mid the ever changing sea, the eternal isles established be;
And all the billows of the main fret, rage, and break themselves in vain;
As, in the Heavens, those orbs divine of golden light, forever shine,
Though clouds may darken, storms may rage, they still shine on from age to age.

So, mid the ocean tide of years, the memory of the just appears,
So, mid the darkness and the gloom, the good man's virtues light the tomb."

We part to-day, Mr. Speaker, and our paths will widely and continually diverge. But let us hold before us the great purposes and ends of life; make duty our guiding star, and write over the portals of our hearts, as the changeless motto of our lives, "To our Country, to Truth, and to God." Then, when we, too, shall have gone, the same undying fragrance shall conserve our memories.

Mr. Tracy moved that the resolutions be adopted by a rising vote, which motion prevailed, and the resolutions were unanimously adopted, and the House adjourned.

2 O'CLOCK P. M.

House met pursuant to adjournment.

Mr. Leffingwell moved that the House now proceed to the consideration of the proposed amendments to the Constitution, which motion was lost.

Mr. Dashiell moved a call of the House, which motion prevailed.

The roll was then called, and absentees reported.

The Sergeant-at-Arms *pro tem.*, Mr. Connell, was directed to bring in the absentees.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following resolution, in which the concurrence of the House is asked:

Resolved by the General Assembly of the State of Iowa, That the Secretary of State be, and he is hereby requested to take charge of and forward to the officers and members of the Eleventh General Assembly, all letter mail matter coming to the Des Moines post-office for them after the adjournment of this General Assembly.

JAMES M. WEART, Ass't Secretary.

Mr. Holden moved that further proceedings under the call be dispensed with. Lost.

Mr. Maxwell moved that the House do now adjourn. Lost.

Mr. Bennett moved that further proceedings under the call be dispensed with. Carried.

The House resuming the consideration of bills as arranged by the Sifting Committee, House File 148, "A bill for an act to amend Chap. 54, Sec. 1276, Code of Iowa, Revision of 1860, relating to mill-dams," was taken up and considered.

Ordered, that the bill be read a third time now.

The bill was read a third time.

On the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Bereman, Bennett, Bolter, Brown of Van Buren, Buck, Carbee, Close, Comfort, Crawford, Darwin, DeForest, Dudley, Dwelle, Emery, Fellows, Flanders, Fry, Gamble, Garrett, Garber, Glasgow, Godfrey, Goodrich, Griffith, Holmes, Holden, Joy, Knox, Landes, Leffingwell, Maxwell, McCullough, McLaughlin, McKean, Olmstead, Russell, Sapp, Safely, Serin, Sherman, Tracy, Travis, Tisdale, Thomson, Thorn, Wright, Williams of Des Moines, Williams of Winneshiek—50.

The nays were Messrs. Alcorn, Barnes, Boomer, Brown of Decatur, Dashiell, Lowdon, Martin, Ryan—8.

Absent or not voting, Messrs. Ballinger, Barker, Bahl, Belt, Brown of Madison, Brown of Winneshiek, Burnett, Clark, Conway, Finkbine, Gaylord, Gary, Graves, Hand, Huggins, Knapp, Linderman, McPherson, McNutt, Mills, Morgan, O'Brien, Palmer, Poin Dexter, Rogers, Rohlf, Runyan, Sipple, Thacher, Van Leuven, Walden, West, Wilcox, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—38.

So the bill passed and the title was agreed to.

Mr. Tisdale, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—Senate Files 62, 226, and 227, have been examined by Senate Committee, found correctly enrolled, and I present them for your signature.

House Files 323, 228, and 300, have been presented to the Governor for his signature, the same having been duly signed by the Speaker of this House and President of the Senate.

Respectfully submitted.

G. J. TISDALE, Chairman.

By leave, Mr. Tracy offered the following resolution, which was adopted:

Resolved by the General Assembly of the State of Iowa, That the Secretary of State be, and he is hereby instructed to furnish each member of the General Assembly a set of the reports of the Secretary of the State Agricultural Society, as far as practicable, without additional expense to the State.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I return herewith House File No. 264, "A bill for an act to provide for the refunding of certain moneys to the Second and Third Regiments Iowa Infantry," having passed the Senate without amendment.

JAMES M. WEART, Ass't Sec'y.

Senate File No. 184, A bill for an act to amend section 1442 of the Revision of 1860, was taken up. The report of the committee was concurred in.

Ordered that the bill be read a third time now. The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Carbee, Close, Comfort, Conway, Crawford, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Flanders, Fry, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Joy, Knox, Landes, Leffingwell, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Poindexter, Russell, Ryan, Sapp, Safely, Serrin, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Wright, Wilson of Dubuque, Williams of Des Moines, Williams of Winneshiek—65.

The nays were none.

Absent or not voting, Messrs. Barnes, Barker, Bahl, Belt, Boomer, Brown of Madison, Brown of Winneshiek, Burnett, Clark, Darwin, Finkbine, Gaylord, Hand, Huggins, Knapp, Linderman, McPherson, Olmstead, Palmer, Rogers, Rohlf's, Runyan, Sherman, Sipple, Van Leuven, Walden, West, Wilcox, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—31.

So the bill passed, and the title was agreed to.

Substitute for House File No. 55, A bill for an act to change the manner of electing Township Trustees, and the length of time they shall remain in office, was taken up.

The question being upon the adoption of the substitute, it prevailed.

Ordered that the bill be read a third time now.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Bennett, Boomer, Brown of Decatur, Brown of Van Buren, Burnett, Carbee, Close, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Fry, Gamble, Gaylord, Garber, Glasgow, Godfrey, Graves, Griffith, Hale, Holmes, Knox, Landes, Leffingwell, Linderman, Maxwell, McNutt, McLaughlin, Mills, O'Brien, Olmstead, Poindexter, Rohlf's, Runyan, Sapp, Safely, Serrin, Thacher, Tisdale, Thomson, Thorn, Wright, Wilson of Dubuque, Williams of Des Moines—50.

The nays were Messrs. Ballinger, Barnes, Bereman, Bolter, Buck, Comfort, Fellows, Gary, Garret, Holden, Joy, Lowden, Martin, McCullough, McKean, Morgan, Ryan, Tracy, Travis, Wilcox, Williams of Winneshiek—23.

Absent or not voting, Messrs. Barker, Bahl, Belt, Brown of Madison, Brown of Winneshiek, Conway, Flanders, Goodrich, Home, Huggins, Knapp, McPherson, Palmer, Rogers, Russell, Sherman, Sipple, Van Leuven, Walden, West, Wilson of Jackson, Wilson of Marshall, Mr. Speaker—20.

So the bill passed and the title was agreed to.

The resolution offered by Mr. Darwin in reference to the Iowa Orphans' Home, was taken up.

Mr. Sapp moved to amend by striking out the name of J. W. Cattell, and inserting the name of P. P. Ingalls.

On the adoption of the amendment, Mr. Sapp demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Alcorn, Barker, Brown of Decatur, Brown of Van Buren, Burnett, Close, Comfort, Dashiell, DeForest, Dudley, Dwelle, Fellows, Gamble, Gary, Glasgow, Godfrey, Goodrich, Graves, Holmes, Holden, Joy, Knapp, Lowdon, Maxwell, McPherson, McKean, Mills, Rohlf, Runyan, Ryan, Sapp, Serrin, Tracy, Tisdale, Thomson, Van Leuven, West, Wilson of Dubuque, Williams of Winneshiek—41.

The nays were Messrs. Abbott, Barnes, Bereman, Bennett, Boomer, Buck, Carbee, Crawford, Darwin, DeForest, Emery, Finkbine, Flanders, Fry, Gaylord, Garrett, Garber, Griffith, Hale, Knox, Landes, Linderman, Martin, McCullough, Morgan, O'Brien, Olmstead, Poindexter, Russell, Safely, Sherman, Thacher, Travis, Thorn, Wilcox, Williams of Des Moines—35.

Absent or not voting, Messrs. Ballinger, Bahl, Belt, Bolter, Brown of Madison, Brown of Winneshiek, Clark, Conway, Hand, Leffingwell, McNutt, McLaughlin, Palmer, Rogers, Sipple, Walden, Wright, Wilson of Dubuque, Wilson of Marshall, and Mr. Speaker—23.

So the amendment prevailed.

MESSAGES FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has receded from its amendment to the House joint resolution, appointing Trustees for the Hospital for the Insane, in accordance with the recommendation of the Conference Committee.

I am also directed to inform your Honorable Body that the Senate has passed House File No. 148, A bill for an act apportioning the State of Iowa into representative districts, with amendments, in which the concurrence of the House is respectfully asked.

I herewith return joint resolution in relation to furnishing military escort to Col. Sawyer, the same having passed the Senate with amendment.

I am also directed to inform you that the Senate has passed the following bill: Substitute for Senate File No. 182, A bill for an act to accept the grant offered to the State of Iowa, made by act of Congress of July 12th, 1864, and to carry out the provisions of said act, entitled an act for a grant of land to the State of Iowa in alternate sections, to aid in the construction of a railroad in said State.

JAMES M. WEART, Ass't Secretary.

Mr. O'Brien moved to amend by striking out "Hart," and inserting "P. G. Wright."

On this question, Mr. O'Brien demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Alcorn, Ballinger, Barnes, Barker, Bereman, Bolter, Brown of Decatur, Buck, Close, Comfort, Darwin, Dwelle, Fellows, Gaylord, Gary, Garrett, Godfrey, Hale, Knapp, Knox, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Poindexter, Rohlf's, Russell, Safely, Serrin, Travis, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Marshall—45.

The nays were Messrs. Abbott, Bennett, Boomer, Crawford, Dashiell, Dudley, Emery, Flanders, Fry, Goodrich, Holmes, Landes, Ryan, Sherman, Tisdale, Thomson, Thorn, Wilson of Jackson, Williams of Winneshiek—21.

Absent or not voting, Messrs. Bahl, Belt, Burnett, Brown of Winneshiek, Garrett, Gamble, Graves, Griffith, Hand, Huggins, Joy, Leffingwell, West, Olmstead, Palmer, Rogers, Runyan, Sipple, Tracy, Thacher, Walden, Mr. Speaker—30.

So the motion prevailed.

On motion, the name of S. L. Glasgow was stricken out, and the name of J. W. Cattell inserted from the 5th District.

The question recurring on the resolution as amended, it was adopted.

SPECIAL ORDER.

The hour having arrived for the consideration of the special order, being House File No. 325, A bill for an act for the appointment of an Executive Committee to secure an appropriation from Congress for the improvement of the Upper and Lower Rapids of the Mississippi river, Mr. Poindexter moved to lay the bill on the table.

On which question, Mr. Wilson of Dubuque, demanded the yeas and nays which were as follows:

The yeas were Messrs. Brown of Van Buren, Crawford, Darwin, Dashiell, Flanders, Fry, Griffith, Knapp, Knox, Landes, McNutt, McLaughlin, Mills, Safely, Serrin, Sherman, Tisdale, Williams of Des Moines, Williams of Winneshiek—19.

The nays were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Madison, Buck, Burnett, Carbee, Clark, Close, Comfort, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Gamble, Garrett, Glasgow, Godfrey, Goodrich, Graves, Hale, Holmes, Holden, Joy, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McCullough, McKean, O'Brien, Olmstead, Rohlf's, Runyan, Ryan, Sapp, Thomson, Thorn, Van Leuven, West, Wil-

cox, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall---56.

Absent or not voting, Messrs. Bahl, Belt, Brown of Winneshiek, Carbee, Conway, DeForest, Finkbine, Gaylord, Gary, Garber, Hand, Huggins, Palmer, Poindexter, Rogers, Russell, Sipple, Walden, Mr. Speaker—21.

So the motion did not prevail.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to return herewith House joint resolution relative to the American Emigrant Company, which has passed the Senate without amendment.

JAMES M. WEART, Ass't Secretary.

Mr. Close offered the following amendment: "Strike out all after the enacting clause as far as the ninth line, and insert "Produce Exchange of Dubuque."

On this question Mr. Barker demanded the yeas and nays.

After debate Mr. Boomer moved the previous question, which was seconded, and the main question ordered.

The question being on Mr. Close's amendment, the yeas and nays were as follows :

The yeas were Messrs. Buck, Close, Crawford, Dwelle—4.

The nays were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Van Buren, Burnett, Clark, Comfort, Darwin, Dashiell, DeForest, Dudley, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Joy, Knapp, Knox, Landes, Lefingwell, Linderman, Lowdon, Martin, Maxwell, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Rohlf, Runyan, Russell, Ryan, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thorn, Van Leuven, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—52.

Absent or not voting, Messrs. Bahl, Belt, Bolter, Brown of Madison, Brown of Winneshiek, Carbee, Conway, Gaylord, Hand, Huggins, McPherson, Palmer, Poindexter, Rogers, Sapp, Sipple, Thomson, Walden, West, Wilson of Marshall, Mr. Speaker—21.

So the amendment did not prevail.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question "shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Comfort,

DeForest, Dudley, Emery, Fellows, Finkbine, Gamble Garber, Glasgow, Godfrey, Goodrich, Graves, Holmes, Holden, Joy, Knapp, Leffingwell, Linderman, Lowdon, Martin, Maxwell McKean, Mills, Morgan, O'Brien, Rohlf, Runyan, Tracy, Thacher, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Wilson of Dubuque, Wilson of Marshall, Williams of Winneshiek—58.

The nays were Messrs. Close, Crawford, Dashiell, Dwelle, Flanders, Gary, Graves, Knox, Landes, McNutt, Ryan, Safely, Serrin, Travis, Tisdale—17.

Absent or not voting, Messrs. Bahl, Belt, Bolter, Brown of Madison, Brown of Winneshiek, Conway, Darwin, Gaylord, Hand, Huggins, McPherson, McLaughlin, Palmer, Poindexter, Rogers, Russell, Sherman, Sipple, Walden, Williams of Des Moines, Mr. Speaker—21.

So the bill passed and the title was agreed to.

Senate File No. 59, A bill for an act to require owners of threshing machines to guard against accidents, was taken up.

Ordered that the bill be read a third time now.

On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Alcorn, Ballinger, Bereman, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Crawford, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Garber, Glasgow, Goodrich, Graves, Hale, Holmes, Holden, Joy, Knapp, Knox, Leffingwell, Linderman, Maxwell, McLaughlin, McKean, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Sapp, Thacher, Travis, Thomson, West, Wilcox, Wilson of Dubuque, Williams of Des Moines, Williams of Winneshiek—51.

The nays were Messrs. Abernethy, Barnes, Dashiell, DeForest, Gary, Garrett, Godfrey, Landes, Lowdon, Martin, McNutt, Mills, Russell, Ryan, Safely, Serrin, Tisdale, Van Leuven—17.

Absent or not voting, Messrs. Barker, Bahl, Belt, Bennett, Boomer, Bolter, Brown of Madison, Brown of Winneshiek, Comfort, Conway, Darwin, Gaylord, Hand, Huggins, McPherson, McNollough, Palmer, Rogers, Sherman, Sipple, Tracy, Thorn, Walden, Wright, Wilson of Marshall, and Mr. Speaker—28.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed Substitute for House File No. 144, "A bill for an act providing for the erection of a building for Adjutant General's and Quartermaster General's offices, and for an Arsenal," with amendments, in which the concurrence of the House is asked.

Also, that the Senate has concurred in the House amendments

to Substitute for Senate File No. 184, "A bill for an act to amend Sec. 1442 of the Revision of 1860, by adding thereto a provision in relation to idiot or imbecile persons."

JAMES M. WEART, Ass't Secretary.

Mr. Finkbine moved to reconsider the vote by which Senate File 210 was lost.

Mr. Emery moved to lay the motion to reconsider on the table.

On this question, Mr. Joy demanded the yeas and nays, which were as follows:

The yeas were Messrs. Abernethy, Barnes, Barker, Bereman, Boomer, Burnett, Carbee, Clark, Dashiell, Emery, Fellows, Garber, Knox, Landes, McNutt, McCullough, McLaughlin, McKean, Mills, Olmstead, Rohlf, Tracy, Travis, Tisdale, Thomson, Thorn, West, Wilson of Jackson, Wilson of Marshall—31.

The nays were Messrs. Abbott, Alcorn, Ballinger, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Close, Comfort, Crawford, DeForest, Dwelle, Finkbine, Fry, Gary, Glasgow, Godfrey, Goodrich, Graves, Griffith, Joy, Knapp, Leffingwell, Linderman, London, Martin, Morgan, Poindexter, Runyan, Russell, Ryan, Sapp, Sherman, Thacher, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines—39.

Absent or not voting, Messrs. Ballinger, Bahl, Belt, Bennett, Brown of Madison, Brown of Winneshiek, Conway, Darwin, Flanders, Gamble, Gaylord, Garrett, Hale, Hand, Holmes, Holden, Huggins, Maxwell, McPherson, O'Brien, Palmer, Rogers, Sipple, Walden, Williams of Winneshiek, and Mr. Speaker—26.

So the motion did not prevail.

The question recurring on the motion to reconsider, it prevailed.

On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Clark, Close, Comfort, Crawford, Darwin, DeForest, Dwelle, Fellows, Finkbine, Fry, Gamble, Gary, Glasgow, Godfrey, Goodrich, Graves, Griffith, Joy, Knapp, Knox, Leffingwell, Linderman, London, Martin, Maxwell, Morgan, Poindexter, Runyan, Ryan, Sapp, Sherman, Thacher, Tisdale, Thorn, Van Leuven, Wilcox, Wright, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek—48.

The nays were Messrs. Barnes, Barker, Bereman, Boomer, Brown of Madison, Burnett, Carbee, Dashiell, Emery, Flanders, Garber, Holden, Landes, McNutt, McCullough, McKean, Mills, Olmstead, Rohlf, Russell, Serrin, Tracy, Travis, Thomson, West, Wilson of Jackson—26.

Absent or not voting, Messrs. Bahl, Belt, Bennett, Brown of Madison, Brown of Winneshiek, Conway, Dudley, Gaylord, Garrett, Hale, Hand, Holmes, Huggins, McPherson, McLaughlin, O'Brien, Palmer, Rogers, Sipple, Walden, Wilson of Dubuque, Mr. Speaker—22.

So the bill was lost for want of a constitutional majority.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to return herewith Substitute for House File No. 311, A bill for an act making an appropriation to complete the Agricultural College Buildings, which has passed the Senate without amendment.

JAMES M. WEART, Assistant Secretary.

Mr. Bereman moved to take up Senate messages, which motion did not prevail.

House File No. 113, A bill for an act to amend chapter 84, acts of the Tenth General Assembly, to organize and discipline the militia was taken up.

Mr. Bennett moved that the bill be indefinitely postponed, which motion prevailed.

Substitute for House File 17 and 113, A bill for an act exempting soldiers from military duty, was taken up.

Mr. Van Leuven moved that the bill be laid upon the table.

On this question Mr. Glasgow demanded the yeas and nays, which were as follows:

The yeas were Messrs. Bahl, Boomer, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Crawford, Joy, Maxwell, Mills, Van Leuven—11.

The nays were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Belt, Bereman, Bennett, Bolter, Buck, Close, Comfort, Conway, Darwin, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holmes, Holden, Knapp, Knox, Landes, Lowdon, McPherson, McNutt, McCullough, McLaughlin, McKean, Morgan, O'Brien, Olmstead, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Thacher, Travis, Tisdale, Thomson, Thorn, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—53.

Absent or not voting, Messrs. Barker, Brown of Madison, Brown of Winneshiek, Clark, Dashiell, DeForest, Dudley, Fellows, Gaylord, Garrett, Hale, Hand, Huggins, Leffingwell, Linderman, Martin, Palmer, Poindexter, Rogers, Sipple, Tracy, Walden, West, Wilson of Dubuque, Mr. Speaker—34.

So the motion did not prevail.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed House File No. 79, A bill for an act to amend Section 799, of the Revision of 1860, relating to registered

letters containing County Treasurers' monthly reports to the Auditor of State with amendment, in which the concurrence of the House is asked.

JAMES M. WEART, Ass't Secretary.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, DeForest, Dudley, Emery, Fellows, Finkbine, Flanders, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Knapp, Knox, Landes, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Runyan, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thatcher, Travis, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—71.

The nays were, none.

Absent, or not voting, Messrs. Bahl, Belt, Brown of Madison, Brown of Winneshiek, Conway Darwin, Dashiell, Dudley, Fry, Gaylord, Hand, Huggins, Joy, Leffingwell, Martin, McKean, Palmer, Rogers, Russell, Sipple, Tisdale, Walden, Wilson of Dubuque, Wilson of Marshall, Mr. Speaker—25.

So the bill passed, and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to return herewith Substitute for House File No. 240, A bill for an act to define the liabilities of Railroads and other Companies in the transportation of freight, which has passed the Senate without amendment.

Also to inform the House that House File No. 143, A bill for an act to legalize the acts of the State Auditor and Treasurer in paying compensation of the Judges of the Supreme and District Courts in advance of any law authorizing the same and to equalize such compensation, has failed to pass the Senate.

JAMES M. WEART,

Assistant Secretary.

House File No. 197, A bill for an act to permit Charles P Brandriff to purchase of this State at \$1.25 per acre, the West $\frac{1}{2}$ of South west $\frac{1}{4}$ of Section No. 13, Township No. 79, North of Range No. 44, the same being part of the excess 500,000 acre grant, was taken up.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Barnes, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Dudley Dwelle, Fellows, Finkbine, Fry, Gamble, Gary, Garber, Goodrich Graves, Griffith, Holmes, Holden, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Poindexter, Rohlf, Russell, Ryan, Sapp, Safely, Serrin, Sherman, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall Williams of Winnesheik—66.

Absent or not voting, Messrs. Ballinger, Barker, Bahl, Belt, Brown of Madison, Brown of Winnesheik, Conway, Darwin, Dashiell, DeForest, Emery, Flanders, Gaylord, Garrett, Glasgow, Godfrey, Hand, Hale, Huggins, Joy, Martin, McKean, O'Brien, Palmer, Rogers, Runyan, Sipple, Walden, West, Mr. Speaker—30.

So the bill passed, and the title was agreed to.

Mr. Ryan submitted the following report from the Committee on Enrolled Bills:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File No. 66, A bill for an act to provide for the distribution of the Adjutant-General's Report of Jan. 1st, 1866. Also, House File No. 250, An act to quiet the title to certain lands sold by the State to individuals as part of the Des Moines River Grant, and House File No. 264, An act to provide for the refunding of certain moneys to the Second and Third Regiments of Iowa Infantry. All of which are correctly enrolled, and I herewith present the same for your signature.

RYAN, Mem. of Com. on En. Bills.

Mr. Finkbine moved that the regular order be suspended and the House now take up Senate Messages, which motion prevailed.

The House resolutions concerning proposed amendments to the Constitution, with the Senate amendments, were taken up.

The question being on concurring in the amendments of the Senate, the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bereman, Bennett, Boomer, Brown of Van Buren, Carbee, Clark, Close, Crawford, Darwin, Dudley, Dwelle, Emery, Finkbine, Fry, Gary, Garrett, Garber, Godfrey, Goodrich, Griffith, Holmes, Holden, Knapp, Knox, Landes, Linderman, Maxwell, McPherson, McNutt, McCullough, McLaughlin, Mills, Morgan, Olmstead, Rohlf, Runyan Russell, Ryan, Safely, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wilson of Jackson, Williams of Winnesheik—54.

The nays were Messrs. Barnes, Bolter, Brown of Decatur, Buck, Burnett, Comfort, Fellows, Gamble, Lowdon, Van Leuven, Wilson of Dubuque—11.

Absent or not voting, Messrs. Bahl, Belt, Brown of Madison, Brown of Winneshiek, Conway, Dashiell, DeForest, Gaylord, Glasgow, Goodrich, Graves, Hale, Hand, Huggins, Joy, Leffingwell, Martin, McKean, O'Brien, Palmer, Poindexter, Rogers, Sapp, Serrin, Sipple, Walden, Wright, Williams of Des Moines, Wilson of Marshall, Mr. Speaker—31.

So the amendment was concurred in.

Mr. Morgan moved that when the House adjourn, it be until 7½ o'clock this evening, which motion prevailed.

Substitute for House File No. 144, A bill for an act providing for the erection of a building for Adjutant-General's and Quartermaster-General's office and for an Arsenal, was taken up.

The question being on concurring in the Senate amendments, the yeas and nays were as follows:

The yeas were Messrs. Alcorn, Barnes, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Van Buren, Buck, Carbee, Close, Crawford, Darwin, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Garber, Godfrey, Goodrich, Griffith, Holmes, Holden, Joy, Knapp, Knox, Landes, Lowdon, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Olmstead, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—60.

The nays were Messrs. Ballinger, Comfort—2.

Absent or not voting, Messrs. Abernethy, Abbott, Barker, Bahl, Belt, Bolter, Brown of Madison, Brown of Winneshiek, Burnett, Conway, Dashiell, DeForest, Gaylord, Glasgow, Graves, Hale, Hand, Huggins, Leffingwell, Linderman, Martin, McLaughlin, Morgan, O'Brien, Palmer, Rogers, Sapp, Serrin, Sipple, Van Leuven, Walden, Wright, Wilson of Dubuque, Mr. Speaker—34.

So the amendment was concurred in.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed House File No. 228, "A bill for an act to amend Chap. 100 of the Revision of 1860, relating to the estates of decedents," with an amendment, in which the concurrence of the House is asked.

JAMES M. WEART, Ass't Sec'y.

House File No. 145 (with Senate amendments), "A bill for an act apportioning the State of Iowa into Representative Districts," was taken up.

The question being on concurring in the Senate amendments, the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Barnes, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Dudley, Dwelle, Emery, Finkbine, Fry, Gamble, Gary, Garber, Godfrey, Goodrich, Griffith, Holmes, Holden, Joy, Knapp, Knox, Landes, Linderman, Maxwell, McPherson, McCullough, McKean, Mills, Morgan, O'Brien, Poin-dexter, Rohlf, Runyan, Russell, Ryan, Safely, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, Van Leuven, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—56.

The nays were Messrs. Ballinger, Lowdon—2.

Absent or not voting, Messrs. Abbott, Alcorn, Barker, Bahl, Belt, Bolter, Brown of Madison, Brown of Winneshiek, Conway, Darwin, Dashiell, DeForest, Fellows, Flanders, Gaylord, Garrett, Glasgow, Graves, Hale, Hand, Huggins, Leffingwell, Martin, McNutt, McLaughlin, Olmstead, Palmer, Rogers, Sapp, Serrin, Sipple, Travis, Walden, West, Wright, Wilson of Dubuque, Mr. Speaker—38.

So the amendments were concurred in.

Mr. Tisdale, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:—Senate File 223, and Substitute for Senate File 182, have been duly examined, and found correct by the Senate Committee on Enrolled Bills, and I present them for your signature.

Your Committee on Enrolled Bills have examined House File 258, find the same correctly enrolled, and I present it for your signature.

G. J. TISDALE, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed House joint resolution appointing Trustees for the Soldiers' Orphans' Home, with an amendment, in which the concurrence of the House is asked.

JAMES M. WEART, Ass't Sec'y.

House File No. 79, "A bill for an act to amend Sec. 799, Revision of 1860, relating to registered letters containing County Treasurers' monthly reports to the Auditor of State," was taken up.

The question being on concurring in the amendments of the Senate, the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Carbee, Close, Comfort, Crawford, Dudley, Dwelle, Emery, Fellows, Finkbine, Fry, Gamble, Gary, Garrett, Garber, Godfrey, Goodrich, Griffith, Holmes, Holden, Joy, Knapp, Linderman, Lowdon, Maxwell, McPherson, Mc-

Nutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlfis, Runyan, Russell, Ryan, Safely, Sherman, Tracy, Thacher, Travis, Thorn, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—60.

Mr. Flanders voted in the negative.

Absent or not voting, Messrs. Bahl, Belt, Brown of Madison, Brown of Winnesheik, Burnett, Clark, Conway, Darwin, DeForest, Dashiell, Gaylord, Glasgow, Graves, Hale, Hand, Huggins, Knox, Landes, Leffingwell, Martin, McLaughlin, Rogers, Sapp, Serrin, Sipple, Tisdale, Thomson, Van Leuven, Walden, West, Wilcox, Wilson of Dubuque, Williams of Winnesheik, Mr. Speaker—35.

So the amendments were concurred in.

House File No. 228, "A bill for an act to amend Chapter 100. of Revision of 1860, in relation to the estates of decedents," was taken up.

The question being on concurring in the Senate amendments, the yeas and nays were as follows:

The yeas were Messrs. Abbott, Ballinger, Barnes, Barker, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Close, Comfort, Crawford, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Holden, Joy, Knapp, Knox, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlfis, Runyan, Russell, Ryan, Safely, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—66.

The nays were none.

Absent or not voting, Messrs. Abernethy, Alcorn, Bahl, Belt, Boomer, Brown of Madison, Brown of Winnesheik, Clark, Conway, Darwin, Dashiell, DeForest, Dudley, Gaylord, Hale, Hand, Holmes, Huggins, Landes, Leffingwell, Martin, McLaughlin, Palmer, Rogers, Sapp, Serrin, Sipple, Wilson of Dubuque, and Mr. Speaker—30.

So the amendments were concurred in.

Senate Sub. for Senate File 182, "A bill for an act to accept the grant of land to the State of Iowa, made by act of Congress July 12, 1864," was taken up and read a first and second time.

Ordered that the bill be read a third time now.

The bill was read a third time, and on the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Ballinger, Barnes, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Dudley, Dwelle, Emery, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Griffith, Holden, Joy, Knapp, Knox, Landes, Linderman, Lowdon, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, Olm-

stead, Poindexter, Rohlf, Runyan, Russell, Ryan, Safely, Sherman, Tracy, Thacher, Travis, Tisdale, Thorn, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—64.

The nays were none.

Absent or not voting, Messrs. Alcorn, Barker, Bahl, Belt, Brown of Madison, Brown of Winneshiek, Conway, Darwin, Dashiell, DeForest, Fellows, Glasgow, Graves, Hale, Hand, Holmes, Huggins, Leffingwell, Martin, McLaughlin, O'Brien, Palmer, Rogers, Sapp, Serrin, Sipple, Thomson, Van Leuven, Walden, Wilson of Dubuque, Mr. Speaker—32.

So the bill passed, and the title was agreed to.

Mr. Ryan submitted the following report from the Committee on Enrolled Bills:

MR. SPEAKER:—Your Committee on Enrolled Bills, have examined House File 17 and 113, "An act exempting soldiers from military duty."

Also, House File No. 170, "An act to accept of the grant, and carry into execution, the trust conferred upon the State of Iowa by an act of Congress entitled An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State."

Also, Substitute for House File No. 192, "An act to permanently locate the Institution for the Deaf and Dumb at Council Bluffs."

All of which are correctly enrolled, and I herewith present the same for your signature.

D. RYAN,

Member Com. on Enrolled Bills.

The Senate amendments to the joint resolution appointing Trustees to Iowa Orphans' Home, were taken up.

Mr. Darwin moved that the House do not concur in the Senate amendments, which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that House File No. 309, "A bill for an act legalizing the appropriation of thirty thousand dollars by Webster county to equalize bounty, and to legalize taxes to pay the same," has failed to pass the Senate.

JAMES M. WEART, Ass't Secretary.

Mr. Flanders moved that this House do now adjourn, which motion prevailed, and the House adjourned.

7:30 O'CLOCK, P. M.

House met pursuant to adjournment.

House File No. 303, A bill for an act regulating commissions of Notaries Public, and fixing a period at which they shall expire, was taken up and considered.

Ordered that the bill be read a third time now.

The bill was read a third time.

Upon the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Barnes, Barker, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Madison, Brown of Van Buren, Close, Comfort, Crawford, Dashiell, Dudley, Emery, Finkbine, Gamble, Gary, Garrett, Garber, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Joy, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McNutt, McCullough, McLaughlin, McKean, Mills, Olmstead, Rohlf, Safely, Serrin, Sherman, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wright, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek—57.

In the negative, Mr. Tracy—1.

Absent or not voting, Messrs. Alcorn, Ballinger, Bahl, Belt, Boomer, Brown of Winneshiek, Buck, Burnett, Clark, Conway, Darwin, DeForest, Dwelle, Fellows, Gaylord, Glasgow, Hand, Huggins, Knapp, Knox, McPherson, Morgan, O'Brien, Palmer, Poindexter, Rogers, Runyan, Russell, Ryan, Sapp, Sipple, Van Leuven, Walden, Wilcox, Wilson of Dubuque, Wilson of Jackson, and Mr. Speaker—38.

So the bill passed, and the title was agreed to.

Messrs. Wilson of Marshall, and Safely were added to the Committee on Enrolled Bills.

House File No. 234, A bill for an act to amend Chapter 100 of the Revision of 1860, in relation to the distribution of the estates of persons dying intestate, was taken up and considered.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Barnes, Barker, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Close, Crawford, Darwin, Dashiell, Dwelle, Emery, Fellows, Finkbine, Flanders, Gamble, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Joy, Knapp, Landes, Leffingwell, Martin, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Ryan, Safely, Serrin, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson,

Thorn, Van Leuven, West, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—67.

The nays were Messrs. Ballinger, Lowdon—2.

Absent or not voting, Messrs. Alcorn, Bahl, Belt, Brown of Winneshiek, Buck, Clark, Conway, DeForest, Dwelle, Gaylord, Garber, Hand, Huggins, Knox, Linderman, Palmer, Rogers, Runyan, Russell, Sapp, Sipple, Walden, Wilcox, Wilson of Dubuque, Williams of Winneshiek, Mr. Speaker—27.

So the bill passed and the title was agreed to.

Mr. Tisdale from the Committee on Enrolled Bills submitted the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House Files Nos. 240, 79 and 258, find them correctly enrolled and present the same for your signature.

I also present for your signature, Senate Files Nos 59, substitute for Senate File No. 182, and substitute for Senate File No. 184 which have been examined and found correctly enrolled by the Senate Committee.

House Files No. 170 and 192, and substitute for House Files Nos. 17, 264, 250, and 113, having been duly signed by the Speaker of this House and the President of the Senate, have been presented to the Governor for his signature.

G. J. TISDALE, Chairman.

House File No. 247, A bill for an act to amend Section 3164 of the Revision of 1860, was taken up and considered.

Mr. Barker moved to amend by striking out the last section of the bill, which motion prevailed.

Mr. Barker moved to strike out the second section of the bill, which motion prevailed.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question "Shall the amendments of the Senate be concurred in?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bereman, Bennett, Bolter, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Carbee, Clark, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Joy, Knapp, Landes, Leffingwell, Lowdon, Martin, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Russell, Ryan, Safely, Sherman, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—71.

The nays were Messrs. Boomer, Serrin, Tracy—3.

Absent or not voting, Messrs. Bahl, Belt, Brown of Winne-

shiek, Burnett, Close, Conway, Fry, Hand, Huggins, Knox, Linderman, Maxwell, Palmer, Rogers, Runyan, Russell, Sapp, Sipple, Walden, Wilcox, Wilson of Dubuque, Mr. Speaker—22.

So the bill passed and the title was agreed to.

By leave, Mr. Thorn offered the following resolution :

Resolved, That the Committee on Constitutional Amendments be and they are hereby instructed to prepare and report to this House a proposition to amend the Constitution of the State by striking out so much as relates to the location of the Capitol, and report at ten minutes past nine o'clock this evening.

Mr. Godfrey moved that the resolution be laid on the table, which motion did not prevail.

The resolution was lost.

House File No. 308, A bill for an act for the increase and organization of the State Library, was taken up and considered.

Mr. Thomson moved that the bill be laid on the table, which motion prevailed.

House File No. 262, A bill for an act to authorize the Auditor of State to settle with the publishers of Webster's Unabridged Dictionary, was taken up and considered.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Ballinger, Bereman, Bennett, Boomer, Brown of Van Buren, Burnett, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dwelle, Emery, Fellows, Finkbine, Gamble, Gaylord, Gary, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Joy, Knapp, Leffingwell, Maxwell, McPherson, McLaughlin, McKean, Mills, Morgan, Olmstead, Poindexter, Runyan Russell, Safely, Serrin, Sherman, Thatcher, Travis, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Marshall, Williams of Winneshiek—54.

The nays were Messrs. Abbott, Alcorn, Barker, Brown of Decatur, Brown of Madison, Buck, Carbee, Close, Dudley, Garber, Landes, Lowdon, Martin, McNutt, McCullough, Rohlfis, Ryan, Tracy, Tisdale, Thomson—19.

Absent or not voting, Messrs. Abernethy, Barnes, Bahl, Belt, Bolter, Brown of Madison, Brown of Winneshiek, Conway, Flanders, Fry, Glasgow, Hand, Huggins, Knox, Linderman, O'Brien, Palmer, Rogers, Sapp, Sipple, Walden, Wilson of Dubuque, Mr. Speaker—28.

So the bill passed and the title was agreed to.

Mr. Ryan presented the following report from Committee on Enrolled Bills:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File No. 311, An act making appropriations to complete the Agricultural College Buildings.

Also House File No. 144, An act providing for the erection of a building for Adjutant General's and Quartermaster General's Office and for a State Arsenal and find the same correctly enrolled, and herewith present the same for your signature.

RYAN, Member Com. Enrolled Bills.

Senate File No. 30, A bill for an act for the relief of D. B. Hillis, was taken up.

Mr. Serrin moved to lay the bill on the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has receded from its amendment to the House resolution appointing Trustees for the Soldiers' Orphans' Home.

JAMES M. WEART, Ass't Secretary.

The motion to lay on the table did not prevail.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bereman, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Joy, Landes, Lowdon, Maxwell, McPherson, McCullough, McLaughlin, McKean, Morgan, Olmstead, Poindexter, Rohlf, Runyan, Russell, Safely, Sherman, Tracy, Thatcher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—66.

The nays were Messrs. Bennett, Holden, Mills, Serrin—4.

Absent or not voting, Messrs. Barker, Bahl, Belt, Boomer, Bolter, Brown of Winnesheik, Burnett, Conway, DeForest, Fry, Hand, Huggins, Knapp, Knox, Leffingwell, Linderman, Martin, McNutt, O'Brien, Palmer, Rogers, Ryan, Sapp, Sipple, Walden, Wilson of Dubuque, and Mr. Speaker—26.

So the bill passed and the title was agreed to.

By leave, Mr. Wilcox submitted the following report:

The Committee on Banks, to whom was referred "A bill for an act to prohibit the unauthorized issuing of bills, notes, or evidences of debt intended to circulate as money," have had the same under consideration, and as they do not deem the enactment of such a law necessary at the present time, have instructed me to report the same back to this House with a recommendation that it do not pass.

P. C. WILCOX, Chairman.

MESSAGES FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked :

Senate File No. 221, "A bill for an act legalizing certain city warrants issued by the city of Des Moines, Iowa."

I am directed, also, to return herewith House File No. 89, "A bill for an act to amend Sec. 752 of the Revision of 1860," which has passed the Senate without amendment.

JAMES M. WEART, Ass't Secretary.

Substitute for Senate File No. 284, A bill for an act to amend Chapter 45 of the Revision of 1860, was taken up and adopted.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Alcorn, Barnes, Bereman, Bennett, Brown of Decatur, Brown of Madison, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine, Flanders, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Joy, Landes, Maxwell, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Rohlf, Runyan, Russell, Safely, Sherman, Thacher, Tisdale, Thomson, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—62.

The nays were Messrs. Abbott, Ballinger, Boomer, Brown of Van Buren, Fellows, Knapp, Lowdon, Ryan, Serrin, Tracy, and Travis—11.

Absent or not voting, Messrs. Barker, Bahl, Belt, Bolter, Brown of Winnesheik, Conway, Fry, Hand, Huggins, Knox, Leffingwell, Linderman, Martin, Palmer, Poindexter, Runyan, Sapp, Sipple, Thacher, Thorn, Walden, Wilson of Dubuque, Mr. Speaker—23.

So the bill passed, and the title was agreed to.

House File No. 266, A bill for an act for the relief of John Crew, was taken up and considered.

Ordered that the bill be read a third time now. The bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Barker, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Gamble, Gay-

lord, Gary, Garber, Glasgow, Graves, Griffith, Hale, Holmes, Holden, Joy, Knapp, Landes, Leffingwell, Lowdon, Martin, Maxwell, McPherson, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Rohlf, Runyan, Russell, Safely, Serrin, Sherman, Tracy, Travis, Tisdale, Thorn, Van Leuven, West, Wright, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—68.

The nays were none.

Absent or not voting, Messrs. Bahl, Belt, Bolter, Brown of Winneshiek, Conway, Fry, Godfrey, Goodrich, Hand, Huggins, Knox, Linderman, McNutt, McCulloch, Palmer, Poindexter, Rogers, Ryan, Sapp, Sipple, Thacher, Thompson, Walden, Wilson of Dubuque, Wilson of Marshal, Mr. Speaker—28.

So the bill passed, and the title was agreed to.

Mr. Travis submitted the following report from the Committee on Enrolled Bills:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File No. 324, An act making appropriations for the per diem of and expenses of the Eleventh General Assembly, and for other purposes, and find the same correctly enrolled, and herewith present the same for your signature.

H. C. TRAVIS,
Mem. Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bills, in which the concurrence of the House is asked:

Substitute for Senate Files Nos. 63 and 167, A bill for an act to amend chapter fifty-one, of the Revision of 1860, relating to the incorporation of cities and towns.

JAMES M. WEART,
Assistant Secretary.

Senate File No. 115, A bill for an act to amend Section 256½ of the Revision of 1860, was taken up.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Ballinger, Barnes, Bennett, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Carbee, Clark, Close, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Gaylord, Garrett, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Holden, Knapp, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McLaughlin, McKean, Mills, Morgan, Olmstead, Rohlf, Safely, Sherman, Travis, Tisdale, Thorn, Van Leuven,

West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—56.

The nays were Messrs. Alcorn, Bereman, Boomer, Burnett, Comfort, Holmes, Rohlf, Russell—10.

Absent or not voting, Messrs. Alcorn, Bahl, Belt, Bolter, Brown of Winnesheik, Burnett, Conway, Finkbine, Flanders, Fry, Gamble, Hand, Huggins, Joy, Knapp, Knox, Landes, McCullough, O'Brien, Palmer, Poindexter, Rogers, Runyan, Ryan, Sapp, Sipple, Thacher, Walden, Wilson of Dubuque, Mr. Speaker—30.

So the bill passed and the title was agreed to.

House File No. 32, A bill for an act providing that the County Judges shall keep a fee book, was taken up.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abbott, Bereman, Bennett, Brown of Madison, Buck, Burnett, Close, Comfort, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Joy, Knapp, Landes, Leffingwell, Linderman, Maxwell, McPherson, McMutt, McLaughlin, McKean, Mills, Morgan, O'Brien, Rohlf, Runyan, Safely, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—32.

The nays were Messrs. Boomer, Brown of Decatur, Brown of Van Buren, Carbee, Flanders, Garrett, Lowdon, Martin, Olmstead, Russell, Tracy—13.

Absent or not voting, Messrs. Alcorn, Ballinger, Barnes, Bolter, Belt, Bahl, Brown of Winnesheik, Clark, Conway, Fellows, Finkbine, Fry, Gamble, Hand, Holden, Huggins, Knox, McCullough, McLaughlin, Palmer, Poindexter, Rogers, Sapp, Ryan, Sherman, Sipple, Thacher, Walden, Wilson of Dubuque, Mr. Speaker—31.

So the bill passed, and the title was agreed to.

Mr. Ryan submitted the following report from the Committee on Enrolled Bills:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File No. 89, an act to amend Section 752, of the Revision of 1860. Also House File No. 138, an act to provide for due reference and publication of proposals to amend the Constitution of the State of Iowa. Also a proposal to amend the Constitution of the State of Iowa, and find the same correctly enrolled, and herewith present the same for your signature.

D. RYAN,

Member Committee on Enrolled Bills.

Mr. Tracy moved to take up Senate messages. Carried.

Senate File No. 221, A bill for an act legalizing certain city warrants issued by the city of Des Moines, was read a first and second time.

Mr. Sherman moved that the bill be laid on the table, which motion prevailed, and the bill was tabled.

Substitute for Senate Files Nos. 63 and 167, A bill for an act to amend Chapter 51 of the Revision of 1860, relating to the incorporation of cities and towns, was taken up.

Mr. Bennett moved that the bill be laid upon the table, which did not prevail.

Mr. Finkbine moved that the bill be indefinitely postponed, which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your Honorable Body that House File No. 213, A bill for an act to ascertain the citizens entitled to the right of suffrage and to prevent fraudulent voting, has failed to pass the Senate.

I am also directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked:

Senate File No. 161, A bill for an act to amend Section 3762 of the Revision of 1860, in relation to the actions of mandamus.

I am also directed to return herewith House File No. 111, A bill for an act to amend an act entitled vacancies and special elections, which has passed the Senate without amendment.

JAMES M. WEART,

Assistant Secretary.

Mr. Russell called up Senate Joint Resolution recommending the promotion to a brevet Brigadier Generalship of Col. W. T. Shaw, 14th Iowa Infantry.

The question being on the adoption of the resolution, Mr. Wilson of Dubuque moved the previous question, which was seconded and the main question ordered.

On the adoption of the resolution Mr. Dashiell demanded the yeas and nays which were as follows:

The yeas were Messrs. Abernethy, Boomer, Bolter, Buck, Burnett, Carbee, Clark, Close, Crawford, Dashiell, Emery, Fellows, Finkbine, Gaylord, Garrett, Garber, Goodrich, Hale, Holmes, Knapp, Knox, Leffingwell, Martin, Maxwell, McNutt, McLanghlin, McKean, Morgan, Poindexter, Russell, Ryan, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Wilson of Dubuque, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—45.

The nays were Messrs. Abbott, Alcorn, Ballinger, Barnes, Bereman, Bennett, Brown of Decatur, Brown of Madison, Brown of Van Buren, Comfort, Darwin, Gamble, Gary, Glasgow, Godfrey, Graves, Griffith, Holden, Joy, Landes, Lowdon, Mills, Rohlf, Safely, Serrin, Van Leuven—26.

Absent or not voting, Messrs. Barker, Bahl, Belt, Brown of Winneshiek, Conway, DeForest, Dudley, Dwelle, Fry, Garber, Hand, Huggins, McPherson, O'Brien, Olmstead, Palmer, Rogers, Runyan, Sapp, Sipple, Walden, Williams of Des Moines, Mr. Speaker—24.

So the resolution was adopted.

Mr. Thomson, by leave, offered the following resolution, which was adopted :

WHEREAS, During the months of August and September, 1864, the people of the State of Iowa were subjected to a draft to fill up the armies of the United States, the State having furnished her full quota, and being at that time entitled to an extra credit of about 12,000 men, according to the usual one-year system of computation, as shown by the communication from the Governor of 18th January last; and

WHEREAS, The honor of the State was impugned by this arbitrary proceeding, and a great injustice done to many worthy citizens, whereby severe pecuniary losses were incurred; be it, therefore,

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to use all honorable means to effect the passage of a law calculated to *redeem the noble record of our beloved young Iowa* from this unwarrantable injustice, and to *wipe out this stain upon her escutcheon* by placing all our drafted men, who either served in person or furnished an accepted substitute, upon the same footing as one year's volunteers.

Mr. Ballinger moved a call of the House, which was not seconded.

Mr. Flanders moved that the House take a recess for one hour, which motion did not prevail.

By leave, Mr. Finkbine presented the following, which was adopted :

Resolved, That as a token of our appreciation of the ability and impartiality with which Speaker Wright has presided over this House, we hereby present him with the chair he has so ably filled.

By leave, Mr. Clark offered the following resolution, which was adopted :

Resolved, That the thanks of this House be tendered to the Hon. Wm. Hale, for the able and impartial manner with which he discharged the duties of Speaker, during the time he occupied the chair.

By leave, Mr. Clark offered the following resolution, which was adopted :

Resolved, That the thanks of this House is due, and is hereby tendered to the several State officers and their subordinates, for their alacrity and kindness in responding to the wishes and requests of the members of this body.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to return herewith substitute for House File No. 40, A bill for an act requiring swamp land certificates to be recorded, which has passed the Senate without amendment.

JAMES M. WEART,

Assistant Secretary.

Mr. Thorn moved that the House take a recess for fifteen minutes.

Mr. Finkbine moved to amend by striking out "fifteen," and inserting "twenty."

The amendment prevailed, and the motion as amended was adopted.

10 O'CLOCK, 30 MINUTES P. M.

The House was called to order by the Speaker, Hon. Ed Wright.

Mr. Darwin, on behalf of the members of the House presented the Speaker with a gold-headed cane, and spoke as follows :

MR. SPEAKER:—The gentlemen of this House have chosen me to present to you a token of their esteem.

In consequence of your poor health, they also make it my duty to make no speech.

When we first came together, to some of us you were a stranger ; but we have all learned to esteem you.

We have been all pleased with your uniform courtesy and gentlemanly bearing : we have been highly gratified with your parliamentary promptness and exactness, while your kind and amiable manner has endeared you to us also.

The cane is a contribution assisted by every member of the House, without regard to party. Every gentleman here derives great pleasure in being thus able to contribute to the gift.

Accept this token, and may you long live to wear it as a memento of the kind consideration which the Eleventh General Assembly entertains for you.

After receiving the cane the Speaker addressed the House as follows :

Gentlemen of the House of Representatives :—I accept this magnificent present, which you have so generously tendered to me as a testimonial of your views as to the manner in which I have discharged the duties of the office to which you called me at the organization of this House.

In accepting this cane, gentlemen, I find myself at a loss to express my deep sense of gratitude to you for this expression of your confidence and esteem. I feel that it was entirely unnecessary upon your part to add anything to the many acts of kindness here-

tofore received at your hands, in order to convince me that you had appreciated my efforts to discharge the arduous duties incumbent upon me as your presiding officer.

It has always been the desire of my heart to discharge any duties falling upon me, in a manner which would be satisfactory to those with whom I might be connected.

It has always been a principle of my life to do anything required of me to the best of my ability; and whenever I fail of accomplishing this object, it will be for want of ability and not for want of attention and energy.

When I assumed the duties of your presiding officer, I had a hope that, by close attention and with your generous assistance, I might be able to at least make my acts acceptable to my friends; but I had no expectations that my course of conduct during the three months we would probably be together would be of such a character as to entitle me to the magnificent *cane-ing* I have received at your hands this evening. I cannot believe, gentlemen, that this is the result of any particular merit of my own, but more the result of the assistance rendered me by every member of this House in his individual capacity, at all times endeavoring to do that which was for the best under the circumstances, and always abstaining from any act tending to embarrass the chair or the business before the House.

I hope, gentlemen, that I properly appreciate this last act of yours. I shall treasure this piece of property as I do none other. I shall endeavor to preserve it in a manner worthy of its donors. It shall always call to my mind the many pleasant hours spent in presiding over the House of Representatives of the Eleventh General Assembly.

Mr. Tisdale from the Committee on Enrolled Bills submitted the following report :

MR. SPEAKER :—House Files No 311, 144, 66, 258, 79, 240, 324, 138, 89 and a proposal to amend the Constitution of Iowa, having been duly signed by the Speaker of this House and the President of the Senate, have been presented to the Governor for his signature.

G. J. TISDALE, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to inform your Honorable Body that the Senate has passed the following bill, in which the concurrence of the House is asked :

Substitute for Senate Files No. 16, 23, 96, 153, and 190, A bill for an act to legalize the official acts of certain Notaries Public.

I return herewith House File No. 197, A bill for an act to permit Charles Brandriff to purchase lands.

JAMES M. WEART, Ass't Secretary.

Mr. West moved to take up House File No. 191, A bill for an act to authorize county subscriptions to Agricultural Societies, which motion prevailed and the bill was considered.

The question being on concurring in the amendments of the Committee, Mr. Tracy offered the following amendment which was not adopted :

Provided further, That such grounds be purchased and located at the county seat of said county.

The amendments of the Committee were concurred in.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question, " Shall the bill pass ? " the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bereman, Boomer, Brown of Decatur, Brown of Madison, Buck, Burnett, Clark, Close, Comfort, Dashiell, Dudley, Emery, Gamble, Gary, Garber, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Holden, Joy, Knapp, Landes, Lettingwell, Maxwell, McCullough, McLaughlin, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlf, Russell, Ryan, Safely, Sherman, Thacher, Travis, Thomson, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—54.

The nays were Messrs. Brown of Van Buren, Crawford, Darwin, Finkbine, Flanders, Knox, Tracy, Lowdon, Thorn, Van Leuven—11.

Absent or not voting, Messrs. Barker, Bahl, Belt, Bennett, Bolter, Brown of Madison, Brown of Winneshiek, Conway, Carbee, DeForest, Dudley, Fry, Gaylord, Garrett, Glasgow, Hand, Huggins, Linderman, Martin, McPherson, McNutt, Palmer, Rogers, Runyan, Sapp, Serrin, Sipple, Tisdale, Walden, Wilson of Dubuque, Wilson of Marshall, Mr. Speaker—32.

So the bill passed and the title was agreed to.

Mr. McNutt offered the following resolution which was adopted :

Resolved by the House of Representatives, That the Clerks, the Sergeant-at-arms, Doorkeeper, Messengers of this House, and the Postmaster and his assistants, are entitled to the thanks of this Body for their uniform courtesy and kindness—for the promptness, efficiency and impartiality with which they have discharged their several duties, and we hereby tender them respectively our kindest wishes for their future welfare and prosperity.

Mr. Wilson of Dubuque moved to take up Senate messages, which motion prevailed.

Senate substitute for House Files Nos. 16, 23, 96, 153 and 190, A bill for an act to legalize the official acts of certain Notaries Public, was taken up, and read a first and second time.

The bill was read a third time.

On the question, " Shall the bill pass ? " the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Ballinger, Barnes, Bereman, Bennett, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Clark, Comfort, Crawford, Darwin, Dashiell, Dudley, Emery, Fellows, Finkbine, Flanders, Gamble, Gary, Garrett, Garber, Godfrey, Goodrich, Griffith, Hale, Holmes, Holden, Joy, Knapp, Knox, Landes, Leffingwell, London, Martin, Maxwell, McNutt, McLaughlin, McKean, Mills, Morgan, Poindexter, Rohlf, Russell, Safely, Sherman, Tracy, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wright, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—60.

The nays were none.

Absent or not voting, Messrs. Alcorn, Barker, Bahl, Belt, Boomer, Bolter, Brown of Winneshiek, Close, Conway, DeForest, Dwelle, Fry, Gaylord, Glasgow, Hand, Huggins, Linderman, McPherson, McCullough, O'Brien, Olmstead, Palmer, Rogers, Runyan, Ryan, Sapp, Serrin, Sipple, Thacher, Travis, Walden, Wilson of Dubuque, Wilson of Marshall, Mr. Speaker—36.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to return herewith House File No. 219, A bill for an act to legalize the official acts of S. C. Johnson, a justice of the peace in Jones county, which has passed the Senate without amendment.

I also return substitute for House File No. 231, A bill for an act to authorize incorporated cities, towns, and villages to discontinue their corporations, the same having passed the Senate without amendment.

JAMES M. WEART,

Assistant Secretary.

Mr. Ryan submitted the following report from the Committee on Enrolled Bills :

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File No. 111, An act to amend an act entitled vacancies and special elections.

Also, substitute for House File No. 40, An act requiring swamp land certificates to be recorded, and find the same correctly enrolled and herewith present the same for your signature.

D. RYAN, Mem. Com. on En. Bills.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bills, in which the concurrence of the House is asked :

Senate File No. 34, A bill for an act to quiet the title of Eliza Ingwerson and others to certain land.

Senate File No. 114, A bill for an act to release to Beta Grecheneck and Lewis Grecheneck, the right of the State by escheat to certain lands.

JAMES M. WEART,

Assistant Secretary.

Mr. McKean moved to take House File No. 155, with substitute therefor, A bill for an act to prescribe the manner of filling vacancies in the offices of Justices of the Peace, Constables, and members of the County Board of Supervisors, which motion prevailed.

The question being on the adoption of the substitute, it prevailed.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question " Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Brown of Decatur, Brown of Madison, Brown of Van Buren, Burnett, Carbee, Close, Comfort, Crawford, Dudley, Emery, Fellows, Finkbine, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holmes, Joy, Knapp, Knox, Landes, Leffingwell, Maxwell, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Poindexter, Rohlfis, Russell, Ryan, Safely, Sherman, Thacher, Tisdale, Thomson, Thorn, Van Leuven, Walden, West, Wilcox, Wright, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—56.

The nays were Messrs. Bereman, Bennett, Darwin, Dashiell, Flanders, Gary, Lowdon, Travis, Tracy—9.

Absent or not voting, Messrs. Barker, Bahl, Belt, Boomer, Bolter, Brown of Winneshiek, Buck, Clark, Conway, DeForest, Fry, Gamble, Garrett, Hand, Holden, Huggins, Linderman, Martin, McPherson, McLaughlin, Palmer, Rogers, Runyan, Sapp, Serrin, Sipple, Thacher, Walden, Wilson of Dubuque, Williams of Des Moines, Mr. Speaker—31.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to return herewith House File No. 173, A bill for an act to enlarge the rights of married women, which has passed the Senate without amendment.

JAMES M. WEART, Chairman.

Mr. Hale moved to take up Senate messages, which motion prevailed.

Senate File No. 114, A bill for an act to release to Beta Grecheneck the right of the estate by escheat to certain lands, was read a first and second time.

Ordered that the bill be read a third time now.

The bill was read a third time.

On the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Bereman, Bennett, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Burnett, Carbee, Close, Comfort, Crawford, Darwin, Dashiell, Emery, Fellows, Finkbine, Flanders, Gamble, Garrett, Garber, Glasgow, Godfrey, Graves, Griffith, Hale, Holmes, Holden, Joy, Knapp, Knox, Landes, Lowdon, Maxwell, McNutt, McLaughlin, McKean, Mills, Morgan, Poindexter, Rohls, Russell, Safely, Sherman, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, West, Wilcox, Wilson of Jackson, Williams of Wineshiek—57.

The nays were Messrs. Gary and McLaughlin—2.

Absent or not voting, Messrs. Barnes, Barker, Bahl, Belt, Boomer, Bolter, Brown of Van Buren, Clark, Conway, DeForest, Dndley, Dwelle, Fry, Gaylord, Barber, Goodrich, Hand, Huggins, Leffingwell, Linderman, Martin, McPherson, McCullough, O'Brien, Olmstead, Palmer, Rogers, Runyan, Ryan, Sapp, Serrin, Sipple, Thacher, Walden, Wright, Wilson of Dubuque, Williams of Des Moines, and Mr. Speaker—87.

So the bill passed and the title was agreed to.

By leave, Mr. Bennett offered the following resolution, which was adopted:

Resolved, That the thanks of this House are hereby tendered to the Reporters for the press for the faithful and impartial manner in which they have reported the proceedings of this branch of the General Assembly, and the remarks of the members.

Mr. Tisdale from the Committee on Enrolled Bills submitted the following report:

MR. SPEAKER:—Senate File Nos. 115 and 30, and substitute for Senate File 182, have been examined and found correctly enrolled by the Senate Committee, and I present them for your signature.

House File Nos. 145, 228, 111, and substitute for House File No. 40, having been duly signed by the Speaker of this House and the President of the Senate, having been presented to the Governor for his signature.

G. J. TISDALE, Chairman.

Mr. Ryan submitted the following report from Committee on Enrolled Bills:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File No. 228, "An act to amend Chapter 100 of the Revision of 1860 of the Laws of Iowa, relative to the estates of decedents," and find the same correctly enrolled, and I herewith present the same for your signature.

D. RYAN,
Member Com. on Enrolled Bills.

Mr. Hale called up Senate File No. 34, "A bill for an act to quiet the title of Eliza Ferguson and others to certain lands."

The bill was read a first and second time.

Ordered, that the bill be read a third time now.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barnes, Bereman, Bennett, Brown of Decatur, Brown of Madison, Brown of Van Buren, Buck, Carbee, Comfort, Conway, Crawford, Darwin, Dashiell, Emery, Fellows, Finkbine, Flanders, Gamble, Gary, Garrett, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Holden, Joy, Knapp, Landes, Leffingwell, Lowdon, Maxwell, McNutt, McCullough, McLaughlin, Mills, Morgan, Poindexter, Russell, Ryan, Safely, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, Van Leuven, Wilcox, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek—57.

The nays were Messrs. Burnett, Knox, Rohlf—3.

Absent or not voting, Messrs. Barker, Bahl, Belt, Boomer, Bolter, Clark, Close, DeForest, Dudley, Dwelle, Fry, Gaylord, Garber, Hand, Holmes, Huggins, Linderman, Martin, McPherson, McKean, O'Brien, Olmstead, Palmer, Rogers, Runyan, Sapp, Serrin, Sipple, Walden, West, Wright, Wilson of Dubuque, Mr. Speaker—36.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed a resolution in reference to Indian depredations, which is transmitted herewith, and in which the concurrence of the House is asked.

JAMES M. WEART, Assistant Secretary.

The resolution relative to Omaha and Winnebago Indians was taken up and adopted.

Mr. Holden offered the following resolution, which was adopted:

Resolved by the House of Representatives, That the Secretary of State be, and he is hereby requested to forward all mail matter that may be received at the post-office in this city directed to members of this House, to their respective addresses.

By leave, Mr. Hale called up Senate File 181, "A bill for an act to amend Sec. 3762 of the Revision of 1860."

Mr. Hale moved to lay the bill on the table, which motion prevailed, and the bill was tabled.

Mr. Hale moved that House File No. 331 be taken up, which motion did not prevail.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to return herewith House File No. 191, "A bill for an act authorizing county subscriptions to agricultural societies," which has passed the Senate without amendment.

JAMES M. WEART, Ass't Secretary.

Mr. Ballinger moved that when this House adjourn, it be until five minutes after 12 o'clock. Carried.

Mr. Comfort moved that the House do now adjourn, which motion did not prevail.

Mr. Ryan submitted the following report from the Committee on Enrolled Bills :

MR. SPEAKER :—Your Committee on Enrolled Bills have examined House File No. 219, An act to legalize the acts of S. C. Johnson, lately a Justice of the Peace in Jones county, Iowa, also an act to permit Charles P. Brandriff to purchase of this State at \$1,25 per acre the West $\frac{1}{2}$ of Southwest $\frac{1}{4}$ of Section No. 13, Township No. 79, North Range No. 44, the same being part of the excess 500,000 acre grant, and find the same correctly enrolled and herewith present the same for your signature.

D. RYAN,

Mem. Com. on Enrolled Bills.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to return herewith Substitute for House File No. 155, A bill for an act to prescribe the mode of filling vacancies in the offices of Justices of the Peace, Constable, and Member of the Board of Supervisors, which has passed the Senate without amendment.

I am also directed to inform your Honorable Body that House File No. 148, A bill for an act to amend Chapter 54, Section 1276 of the Revision of 1860, in relation to mill-dams, has failed to pass the Senate.

JAMES M. WEART,

Assistant Secretary.

Mr. Travis moved that the House do now adjourn.

The motion to adjourn did not prevail.

Mr. Russell moved that when the House do adjourn it be until 12 $\frac{1}{2}$ o'clock Tuesday evening. Lost.

Mr. Sherman moved a call of the House which was ordered.

Pending the call Mr. Morgan moved that further proceedings under the call be dispensed with. Lost.

Mr. Gamble moved the House do now adjourn. Carried.

TEN MINUTES PAST 12 O'clock A. M. }
 April 3, 1866. }

House met pursuant to adjournment.

Mr. Thomson offered the following resolution which was adopted :

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed and our Representatives be requested to use all honorable means to procure the passage of a law to extend the time for completing the Agricultural College for the period of two years from and after September, 1867.

THOMSON.

Mr. Dudley moved that the bill known as the County Surveyor bill be printed.

Mr. Tracy moved that the Chief Clerk be instructed to furnish two copies of the bill to each Member of this House and one to each County Surveyor in the State.

Carried.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed a concurrent resolution of thanks to Maj. Gen. G. M. Dodge, which is transmitted herewith, and in which the concurrence of the House is asked.

WEART, Assistant Secretary.

'Mr. Ryan submitted the following report from the Committee on Enrolled Bills :

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House File No. 173, An act to enlarge the rights of married women.

Also, House File No. 191, An act authorizing county subscriptions to agricultural societies.

Also, substitute for House File No. 231, An act to authorize incorporated cities, towns and villages, to discontinue their corporations.

All of which are correctly enrolled, and I herewith present the same for your signature.

D. RYAN,

Mem. of Com. on En. Bills.

Mr. Dudley moved that the Secretary of State be instructed to collect and preserve all bills which passed either *one* branch of the 11th General Assembly, and to preserve them for the use of the next General Assembly. Carried.

The House concurred, on motion of Mr. Finkbine, in the Senate resolution relating to Maj. Gen. Dodge.

Mr. Van Leuven moved that the House take a recess of ten minutes, which motion prevailed.

12 O'CLOCK, 40 MINUTES.

House was called to order by the Speaker.

The Committee appointed to wait upon the Governor reported that they had performed that duty, and been informed by His Excellency, that he had no further communication to make to the General Assembly.

The Committee were then discharged.

Mr. Ryan submitted the following report from the Committee on Enrolled Bills:

MR. SPEAKER:--Your Committee on Enrolled Bills have examined substitute for House File No. 155, An act to prescribe the mode of filling vacancies in the offices of justice of the peace, constables, and members of the boards of supervisors, and find the same correctly enrolled, and I herewith present the same for your signature.

D. RYAN, Mem. Com. En. Bills.

Mr. Tisdale from the Committee on Enrolled Bills submitted the following report:

MR. SPEAKER:--Senate Joint Resolution relating to Wm. T. Shaw, a bill for an act to legalize the official acts of certain Notaries Public and Senate File No. 114, have been examined and found correctly enrolled, and I present them for your signature.

House File Nos. 197, 219, 191, 173, 231, and substitute for House File No. 155, having been duly signed by the Speaker of this House and the President of the Senate, having been presented to the Governor for his signature.

I also present for your signature Senate File No. 34, which has been examined and found correctly enrolled by the Senate Committee on Enrolled Bills.

G. J. TISDALE, Chairman.

Mr. Ryan submitted the following report from Committee on Enrolled Bills:

MR. SPEAKER:--Your Committee on Enrolled Bills have examined House File No. 145, A bill for an act to apportion the State of Iowa into Representative Districts, and find the same correctly enrolled and herewith present the same for your signature.

D. RYAN,

Member Committee on Enrolled Bills.

The Committee appointed to wait upon the Senate reported that they had performed that duty and were discharged.

A Committee from the Senate announced that the Senate was ready to adjourn *sine die*.

Mr. Tisdale moved that the House do now adjourn.

The motion prevailed.

Before announcing the final adjournment the Speaker addressed the House as follows:

Gentlemen of the House of Representatives :

I should do injustice to my feelings on this occasion, should I fail to make public acknowledgments to you of the many acts of kindness received at your hands during this session. We met here at the commencement of the session almost entire strangers. At that time, stranger as I was, you saw proper to select me as your presiding officer. I entered upon the discharge of my duties with a painful consciousness of my inability to fill the position satisfactorily even to myself; but hoping that by constant application on my own part, and by the assistance I should receive at your hands, I should be able at least to rank favorably with gentlemen who had previously filled the position, I had but one object in view, and that was to do even-handed justice to all. I had no friends to reward and no enemies to punish. I met you all as friends and treated you all as such, and I am happy to say that I have no enemy upon this floor. I have no doubt committed errors in the discharge of my duties and in the appointment of committees have made selections which did not at all times give satisfaction. For these errors, gentlemen, I ask your forgiveness, and ask you to treat them as errors of the head and not of the heart. In the discussions appertaining to the business before the House, I have, no doubt, frequently evinced an uncalled for desire to *drive* the matter to a close, and in so doing, may have prevented members from expressing themselves freely upon the subject pending. Should any member have reason to feel that he has thus been deprived of his rights, I ask him at least to grant that I acted from honest motives. It is a source of much regret, on my part, that circumstances beyond my control have prevented me from presiding over your deliberations the last few days of the session, not because I felt that the honorable gentleman you selected to fill the place, would not fill it as well, or even better than I would have done myself, but because I had a desire not to be absent on any occasion whatever. The many acts of kindness received at your hands, and the uniform and general support you have at all times given me, in the discharge of the arduous duties of the chair, I tender to you my most heartfelt thanks. For the magnificent present you have made me as a testimonial of your appreciation of the manner in which I have discharged my duties, I am unable to find words in which to express my feelings properly. I will preserve it with a care becoming the source from which I received it. It shall be a support to me in my declining years, and the sight of it shall remind me of a debt of gratitude I owe to the members and officers of the House of Representatives of the Eleventh General Assembly. To the families of the two members whom the Lord in His divine wisdom has seen proper, since the commencement of the session, to take from this world to a better one, I tender my heartfelt sympathy, and ask them to depend upon the Giver of all

blessings to support them in their afflictions. Wishing you one and all, gentlemen, success in all laudable undertakings, a safe return to your homes and families, I bid you all farewell and announce the adjournment of this House without day.

ATTEST :

CHAS. ALDRICH,
Chief Clerk of the House.

A D D E N D A .

[The following, which should have appeared in regular order in the Journal, was misplaced before it reached the hands of the printer, and was not detected until too late to correct the error.]

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, March 16, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Mr. Burnett.

Journal of yesterday read and approved.

RESOLUTIONS.

Mr. Maxwell moved to take up the following resolution, that was offered yesterday and laid over under the rule, which motion prevailed :

Resolved, That the following shall be the rule of this House : That immediately after the reading of the journal, reports of committees shall be received, after which messages on the Speaker's table shall be taken up.

The resolution was adopted.

REPORTS OF COMMITTEES.

Mr. Darwin, from the Committee on Judiciary, submitted the following report :

MR. SPEAKER :—The Judiciary Committee, to whom was referred House File 151, "An act to amend chapter 168, of the acts of the Ninth General Assembly, in relation to the duties of county treasurer, increasing the penalty therein contained," have considered the same, and recommend : 1st. Strike out section three. 2d. Strike out section four. 3d. Add as section three the following : Strike out of section one of said act "thirty," and insert "fifty." 4. Add as section four the following : Amend section first of the

said act by adding after "office" the following: "And if the said land has been sold for taxes, the amount necessary to redeem the same shall be stated." And that when the rule shall have been so amended, the committee recommend that the bill do pass.

DARWIN, Chairman.

Mr. Joy, from the Committee on Compensation of Public Officers, submitted the following reports:

The Committee on Compensation of Public Officers, to whom was referred House File No. 270, fixing the compensation of Justice of the Peace, have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that the same be indefinitely postponed.

JOY, Chairman.

The Committee on Compensation of Public Officers, to whom was referred House File No. 279, fixing the compensation of Justices of the Peace, have had the same under consideration, and being of the opinion that it is not expedient at this time to increase the compensation of Justices of the Peace, have instructed me to report the same back to this House, with the recommendation that the same be indefinitely postponed.

JOY, Chairman.

Mr. Tisdale, from the Committee on Library, submitted the following report:

MR. SPEAKER:—The Committee on Library have instructed me to report to this House a bill for the increase of the State Library, which is respectfully submitted:

G. J. TISDALE, Chairman.

THE BILL.

House File No. 308, A bill for an act for the increase and arrangement of the State Library, was read a first and second time, referred to the Committee on Ways and Means, and ordered printed.

Mr. Dwelle, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:—Your Committee on Engrossed Bills have examined the following House Files, and report the same as correctly engrossed:

House File No. 200, A bill for an act to relinquish an escheat.

House File No. 245. A bill for an act limiting charges and defining duties of railroad companies.

L. DWELLE, Chairman.

Mr. Alcorn from a Special Committee submitted the following report:

MR. SPEAKER:—The Special Committee to whom was referred a petition of citizens of Webster County, praying for the passage of an act to legalize the acts of the Board of Supervisors of said

county in levying a tax to equalize the bounties to soldiers who entered the service from said county, have had the same under consideration and have instructed me to report the bill herewith submitted and recommend its passage.

ROBERT ALCORN,
HENRY L. DASHIEL,
D. W. POINDEXTER.

House File No. 309, A bill for an act to legalize the acts of the Board of Supervisors of Webster county in appropriating \$30,000 to equalize the bounties of soldiers who entered the service from said county, was read a first second time and passed on File.

Mr. Williams of Winneshiek from the Committee on Incorporations submitted the following report :

Your Committee to whom was referred House File No. 282, being a bill for an act constituting the Mayor and Council of any incorporated town or city a board of health and defining their powers, have had the same under consideration and have instructed me to report the same back to the House with the following amendment, to wit : To insert after the word city in the fourth line of Section 1 the words "or Trustees of any town not incorporated" and recommend that it do pass.

WILLIAMS, Chairman.

Mr. Leffingwell from Committee on Deaf and Dumb Asylums submitted the following report :

Your Committee to whom was referred House File No. 192, A bill for an act to permanently locate the Institution for the Deaf and Dumb at Des Moines, and to provide for the erection of buildings, &c., has considered the matter presented in said bill and has instructed me to report that in the opinion of the Committee immediate measures should be taken for the location of said Institution and for the erection of the buildings proposed in the bill ; but has instructed me to report the same back to the House without recommendation as to location.

LEFFINGWELL, Chairman.

Mr. Thomson, from the Committee on Agriculture, submitted the following report :

MR. SPEAKER:—The Committee on Agriculture, to whom was referred certain petitions asking for a law "to protect fish during the months of April, May, and June," have had the same under consideration, and have, in response to said petitioners, instructed me to report the accompanying bill, with the recommendation that it be put upon its passage.

H. M. THOMSON, Chairman.

House File No. 301, "A bill for an act to protect fish," was read a first and second time, and passed on file.

Mr. Russell, from the Committee on Agricultural College and Farm, reported the following bill :

House File No. 311, "A bill for an act making appropriation for Agricultural College."

Was read a first and second time, and referred to the Committee on Ways and Means.

Mr. Dashiell, from a select committee to which was referred House File No. 54, submitted the following report:

The special committee to whom was referred the Substitute for House File No. 54, "A bill for an act to authorize changes of venue in preliminary examinations before magistrates," submit the following amendments, and recommend that the substitute, as so amended, do pass:

1. Amend Sec. 1 by striking out the former amendment and adding the words, "at any time before the magistrate has heard any testimony in the case."

2. Add the following section:

SEC. 4. The affidavit for a change of venue may name the magistrates in the county, not to exceed three, other than, and in addition to, the one before whom the affidavit is filed, against whom any of the above mentioned objections exist, specifying the objections against each, and in that case the venue shall not be changed to any magistrate thus named and objected to; but in case there are not more than three acting magistrates in the county, then the affidavit shall not state objections against, or disqualify, any other magistrate than the one from whom the change of venue is sought.

RESOLUTIONS.

Mr. Bereman, from Senate Committee to which was referred complaints of the First Iowa Cavalry, offered the following resolution, and moved the adoption of the resolution and that twice the usual number of the report and resolution be printed, which motion to adopt and print prevailed.

MR. SPEAKER:—Your Committee to whom was referred the communication of the Governor and accompanying documents in relation to the outrages alleged to have been committed upon the First Iowa Cavalry by General Custer, have had the same under consideration, and beg leave to report:

That having been connected with that regiment for three years of the war, they are well acquainted with its services, history and character, which, if published to the world, would reflect no little credit upon the State of Iowa, as have all the soldiers from this young and patriotic State. The Committee are satisfied, from the evidence before them, that members of that regiment have unjustly received from the hands of Major-General Custer, while under his command, such ill treatment as no other Iowa soldiers have ever been called upon to endure; that such treatment or punishment was dishonorable to the General inflicting it, degrading to the name of American soldier, unworthy of the cause in which they

were engaged, and in direct and flagrant violation of the laws of Congress and the rules and articles of war.

The regiment was one of the foremost in answering their country's call to put down the rebellion, having enlisted in April and May, 1861, and so eager were they to take an honorable part in their country's service, and fearing that Iowa's quota of troops would not be large enough to admit a cavalry regiment from this State, they immediately, after their organization, tendered their services direct to the Secretary of War, and they were accepted by him as an independent regiment. Every enlisted man furnished his own horse and equipments, and continued to do so until July, 1864, when they were compelled to sell them. Early in 1864, nearly six hundred of them re-enlisted for another term of three years. They served in all the campaigns of Missouri and Arkansas, and were honorably mentioned in general orders by Generals Rosecrans, Davidson, Herron, Blunt, Dana, Reynolds, and others, and even by General Custer himself, as will appear hereafter in this report.

This regiment was first under the command of Major General Custer on the day of its arrival from Memphis, Tenn., at Alexandria, La., which was on the 23d day of June, 1865; on the following day, viz.: the 24th day of June, 1865, General Custer issued his Special Order No. 2, one clause of which is in these words, viz:

“Every violation of this order will receive prompt and severe punishment. Owing to the delay of courts martial, and their impracticability when the command is unsettled, it is hereby ordered that any enlisted man of this command violating the above order, or committing depredations upon the person or property of citizens, will have his head shaved, and in addition will receive twenty-five lashes upon his back, *well laid on.*”

Another clause of this order is as follows: “Citizens of the surrounding country are *earnestly invited* to furnish to these headquarters any information they may acquire which will lead to the discovery of any parties violating the foregoing order.”

Your Committee beg leave to state that the above order, aside from its brutality and inhumanity, is in direct violation of a law of Congress, approved August 5, 1861; while the latter part of it is, as every officer and soldier knows, too readily responded to by rebel citizens eager to bring Union soldiers into discredit and disgrace. On the 14th of September, 1865, General Custer, through his Provost Marshal, issued the following order: To Captain Davidson, commanding Provost Guard: You will at once shave the heads and lash G. Darr, Co. D, 12th Illinois Cavalry, and H. Cure, 1st Iowa Cavalry, teamsters in Capt. Lyon's train and guards of same train,” which was accordingly executed on the same day, without subjecting the parties to any trial whatever, and in the absence of any charges preferred against them.

The 2d Wisconsin Cavalry, the 4th and 12th Illinois Cavalry,

and the 7th Indiana Cavalry, were also with the 1st Iowa Cavalry, under Gen. Custer, all of whom were alike subject to the punishments and severities inflicted by the provisions of said order, and the many other indignities heaped upon both officers and men of that entire command, (to which special reference is not made by your committee,) were of daily occurrence—insomuch that many soldiers deserted what they termed a reign of terror, even though the war had ended, and the prospect of a speedy return to their homes and firesides, and an honorable discharge from their long and active service, were about to be soon realized.

The existence of these outrages was finally brought to the notice of the Governors of the several States of Wisconsin, Indiana, Illinois, and Iowa, all of whom notified the War Department in behalf of their respective regiments. Governor Stone sent repeated communications to the Secretary of War upon the subject, and demanded that the order referred to should be rescinded and the First Iowa mustered out. The subject was referred to Major-General Sheridan, commanding the Military Division of the Gulf, with instructions to investigate, and if any ground of complaint existed, to redress it and muster out the regiment, if he thought it should be done. The matter was referred by him to General Custer, with directions that the order referred to should be immediately rescinded, which was complied with, and ordered that an investigation should be had; but your committee are of the opinion that no such investigation was ever had. General Sheridan, in a communication to the Secretary of War, while he was favorable to strict discipline and severe punishments, held whipping and shaving heads in such horror as to express the belief that General Custer had never whipped men—although the latter, in an official communication afterwards, acknowledged that he *had* done so in the case of the persons named.

General Custer, in justification of his barbarous treatment, and of his conduct in suspending courts-martial and substituting unlawful and unwarrantable orders, denounced the character of his entire command of five regiments—including field and line officers—as “infamous and mutinous.” In contrast with these unwarrantable and sweeping charges, made against a regiment of soldiers whose conduct and bearing had been hitherto irreproachable, your committee beg leave to refer to the Inspection Reports at Memphis, Tennessee, made by Lieut. S. M. Lake, Acting Assistant Inspector General, Capt. E. J. Myers, A. A. Inspector General, and Capt. R. M. Reynolds, A. A. Inspector General, for the months of March, April, May, and June, 1865, and a report by Inspector General C. S. Bowman, U. S. A., Special Inspector of Cavalry, in the month of July, 1865, at Alexandria, La., from which it will appear that the First Iowa Cavalry were never in better discipline, and were specially mentioned in such reports as being the finest regiment of cavalry, and the best officered, in the service. Furthermore, Gen.

Custer himself, in his official report to Major-General Sheridan, made on the 26th of October, 1865, and while in command of the same troops whose character he had defamed so recently, made this remarkable admission: "I am happy to say, that to-day, no better behaved regiments are included in the volunteer force than those now composing my command."

Without entering upon a detailed history of the many other indignities and injuries received at the hands of their commanding General, by both officers and men of this regiment, your committee desire to add, in conclusion, that the many efforts made by Gov. Stone, Secretary Harlan, Hon. J. W. Grimes, Hon. J. F. Wilson, and many others, in behalf of this regiment, to secure their muster-out of service, or their removal from the command of Gen. Custer, proved unavailing until very recently, and it is now understood that they are mustered out of service, and will probably be at home about the first of April, when they shall have nearly completed a term of five years' service for the preservation of their country's name and honor. We respectfully submit the annexed resolution, and recommend its adoption.

T. A. BEREMAN,
HENRY L. DASHIEL,
S. A. FLANDERS.

WHEREAS, By an act of Congress approved August 5th, 1861, passed from a consideration of the fact that the perilous condition of the country was inducing many thousands of its best and most patriotic citizens to enlist in the ranks, the barbarous and inhuman punishment of flogging was prohibited throughout the armies of the United States; and

WHEREAS, By Special Order No. 2, dated at Head-quarters Cavalry Division, Alexandria, La., June 24th, 1865, issued by command of Major-General Custer, authority was given to Provost-Marshals to cause American soldiers to be punished by "twenty-five lashes on the back, well laid on," without their being allowed the formality of a trial by Court Martial; and

WHEREAS, On the 14th day of September, 1865, two American soldiers, one of whom was a member of the First Regiment Iowa Veteran Cavalry, were punished by flogging, by parties acting under authority of said order; therefore, be it

Resolved by the General Assembly of the State of Iowa, That, while we recognize the necessity of strict enforcement of military discipline, and the propriety of punishing every violation thereof in such manner as the laws of Congress and Articles of War may direct, we also consider that the infliction of the cruel and barbarous punishment referred to could only have a tendency to render soldiers discontented and insubordinate, and that by this wanton and atrocious outrage, the majesty of the law has been contemned, the honor of the State has been insulted, and the rights of American soldiers trampled under foot, and we demand that the author

thereof be held to strict accountability, and, after proper trial, be subjected to condign punishment, that future tyrants may take warning from the example.

Mr. Morgan offered the following resolution and moved its adoption, which motion prevailed :

Resolved, That the per diem of D. A. Stockman; deceased, late Representative from Keokuk county, be allowed for the whole session ; the said amount to be paid to his family.

RESOLUTIONS ON THE SPEAKER'S TABLE.

The resolution from the Committee on Constitutional Amendments was taken up and considered.

Mr. Dashiell moved that the resolution be made a special order for Friday next at 10 A. M., which motion prevailed.

The following resolution was considered and adopted :

Be it resolved by the General Assembly of the State of Iowa,

1. That, in our opinion, to meet the public wants, additional mail facilities are required between the town of Vernon in Van Buren county, Iowa, and Memphis, in Scotland county, Missouri.

2. That we instruct our Senators and request our Representatives in Congress, to use their influence to procure a mail route from Vernon, via Mount Sterling, and Upton, in Van Buren county, Iowa, to Memphis, in Scotland county, Missouri.

3. That the Secretary of State be required to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

The following resolution was taken up and considered :

1st. *Resolved by the General Assembly of the State of Iowa*, That our Senators in Congress be instructed, and our Representatives requested, to oppose by all lawful means the admission of members from the States lately in rebellion to seats in either branch of Congress, until sufficient guarantees shall have been provided for securing to the race lately emancipated in such States the substantial enjoyments of all the rights of freemen; against any assumption or payment of the rebel war debt, and until satisfactory evidence shall be afforded of genuine loyalty to the United States on the part of the persons claiming admission to such seats, and that such admission will be consistent with the safety of the Union.

2d. *Resolved*, That the Secretary of State be instructed forthwith to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Upon the question, " Shall the resolution be adopted ? " Mr. Fellows demanded the yeas and nays, which were as follows :

The yeas were Messrs. Abernethy, Abbott, Barnes, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Finkbine,

Flanders, Fry, Gary, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Holmes, Holden, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—71.

The nays were Messrs. Alcorn, Ballinger, Bahl, Bolter, Brown of Decatur, Buck, Comfort, Fellows, Lowdon, Martin, O'Brien, Ryan, Sipple, Wright, Wilson of Dubuque—14.

Absent or not voting, Messrs. Barker, Belt, Brown of Madison, Gamble, Gaylord, Garrett, Godfrey, McLaughlin, Rogers, Sherman, Van Leuven and Walden—12.

So the resolution was adopted.

BILLS ON SECOND READING.

House File No. 112, together with substitute therefor, recommended by the Judiciary Committee, A bill for an act limiting the value of homesteads exempt from execution, was taken up and considered.

Mr. Holden offered the following amendments to the bill:

Insert after section four:

SEC. 5. The provisions of section 3319, of the Revision of 1860, shall be applicable to all sales of homesteads under execution; and in case the defendant shall avail himself of the rights given by said section of having the property levied on sold according to a plan for the division thereof to be furnished by him, it shall be the duty of the sheriff conducting the sale to sell first the portion or portions of such property other than that on which the dwelling-house and appurtenances thereto shall be situated, before offering for sale the portion embracing said dwelling-house and appurtenances. But in such case, the provisions of section two of this act, prohibiting a sale unless more than five thousand dollars shall be bid, and providing for payment of the proceeds of the sale to the amount of five thousand dollars to the owner of the homestead, shall apply only to the sale of that portion embracing the dwelling-house and appurtenances; and the remainder of the property shall be sold in the same manner, and subject only to the same restrictions as other real property not constituting a homestead.

Change the numbers of the subsequent sections to correspond.

SEC. 7. All acts and parts of acts inconsistent with this act, are hereby repealed; *provided*, however, that the provisions of this act shall apply only to homesteads hereafter acquired.

Mr. Sapp moved that the whole subject be laid on the table.

Mr. Dudley demanded the yeas and nays which were as follows: The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger,

Barnes, Belt, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Louisa, Brown of Winnesheik, Buck, Burnett, Comfort, Conway, Crawford, Darwin, Dashiell, Emery, Gary, Garber, Glasgow, Godfrey, Goodrich, Hale, Holmes, Huggins, Knapp, Landes, Lefingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McCullough, Morgan, O'Brien, Olmstead, Palmer, Runyan, Sapp, Safely, Serrin, Sipple, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Mr. Speaker—50.

The nays were Messrs. Bahl, Bolter, Brown of Van Buren, Carbee, Clark, Close, DeForest, Dudley, Dwelle, Fellows, Finkbine, Flanders, Fry, Garrett, Graves, Griffith, Hand, Holden, Joy, Knox, McNutt, McKean, Mills, Poindexter, Rohlf, Russell, Sherman, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik—38.

Absent or not voting, Messrs. Barker, Brown of Madison, Gamble, Gaylord, McLaughlin, Rogers, Ryan, Van Leuven—9.

So the motion to lay on the table prevailed.

Mr. Wilson of Dubuque moved to reconsider the vote by which House File No. 112, was laid on the table.

Mr. Wilson of Dubuque moved to lay the motion to reconsider on the table, which motion prevailed.

House File No. 232, A bill for an act to regulate assessment of personal property, &c., was taken up and considered.

Mr. Burnett moved that the bill be indefinitely postponed, which motion prevailed.

House File No. 223, A bill for an act to amend Section 126, of Revision of 1860, &c., and substitute therefor, recommended by Judiciary Committee, were taken up and considered and the substitute adopted.

The bill was ordered to be engrossed and read a third time.

House File No. 119, A bill for an act to amend Chapter 102, of Revision of 1860, and substitute therefor from Judiciary Committee, were taken up and considered and the substitute adopted.

The bill was ordered to be engrossed and read a third time.

House File No. 193, A bill for an act to amend Section 3370, of the Revision of 1860, in relation to the appraisement of property, was taken up and considered.

Mr. Godfrey moved that the bill do lie on the table, which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to inform your Honorable Body that the Senate has passed the following bills and resolution, in which the concurrence of the House is asked :

Substitute for Senate File No. 81, A bill for an act to amend

Section 2, Chapter 115, Laws of the Tenth General Assembly in relation to printing the delinquent tax list.

Senate File No. 150, A bill for an act for the further protection of game.

House resolution relative to the per diem of certain officers of the General Assembly with the following amendment, viz.: By striking out in the clause relating to the pay of Postmaster "\$5" and inserting \$4.

I am further directed to inform you that the Senate has ordered printed the usual number of copies of the report of Select Joint Committee appointed to visit the State University.

JAMES M. WEART, Ass't Secretary.

House File No. 195, A bill for an act to permit the accused to testify in criminal actions, was taken up and considered.

Mr. Hale moved that the bill be indefinitely postponed, which motion prevailed.

House File No. 212, A bill for an act to repeal Chapter 26, of the acts of the Ninth General Assembly, was taken up and considered.

Mr. Hale moved that the bill be laid on the table, which motion prevailed.

Senate File No. 101, A bill for an act legalizing conveyances of real estate to the St. Charles Cemetery Association with amendment received by the Judiciary Committee, was taken up and considered.

The report of the Committee was concurred in.

The bill was ordered to be read a third time.

House File No. 237, A bill for an act to provide when suits may be brought in Justices courts and to repeal Sections 3851 and 3852, of the Revision of 1860, was taken up and considered.

The report of the Judiciary Committee that the bill be indefinitely postponed, was concurred in.

House File No. 158, A bill for an act to repeal Section 2742, of the Revision of 1860, in relation to limitations of actions, was taken up and considered, and ordered to be engrossed and read a third time.

House File No. 222, A bill for an act to amend Section 3304, Chapter 125, of the Revision of 1860, and the amendments recommended by the Judiciary Committee, were taken up and considered.

The amendments were concurred in.

The bill was ordered to be engrossed and read a third time.

Senate File No. 85, A bill for an act concerning acknowledgments of deeds in foreign countries, and to repeal Section 2244 of the Revision of 1860, and the amendments recommended by Judiciary Committee, were taken up and considered.

The amendments were concurred in.

The bill was ordered to be read a third time.

House File No. 135, A bill for an act to repeal Chapter 87, of the Laws of the 9th General Assembly, was taken up and considered.

Mr. McNutt moved that the bill be indefinitely postponed, which motion was lost.

The bill was ordered to be engrossed and read a third time.

House File No. 19, A bill for an act to amend the law in reference to the execution of judgments for the foreclosure of mortgages, was taken up and considered.

Mr. Darwin moved to amend section first by striking out the word "No."

Mr. Tracy moved a call of the House, which motion was lost.

Mr. Tracy moved that the bill do lie on the table, which motion did not prevail.

Mr. Darwin's amendment was adopted.

The bill was ordered to be engrossed and read a third time.

House File No. 104, A bill for an act authorizing the subdivision of lands in certain cases, and requiring the plats thereof to be recorded, was taken up and considered, and ordered to be engrossed and read a third time.

House File No. 154, A bill for an act to amend Section 2199 of the Revision of 1860, and the recommendation of the Judiciary Committee that it be indefinitely postponed, was taken up and considered.

The report of the Committee was concurred in.

House File No. 40, and substitute therefor, received by Judiciary Committee, A bill for an act requiring instruments affecting real estate to be recorded, were taken up and considered.

The substitute was adopted.

Mr. Tracy moved a call of the House, which was ordered.

Pending the call, Mr. Tracy moved that further proceedings under it be suspended, which motion prevailed.

Mr. Godfrey moved that this House do now adjourn, which motion was lost.

Mr. Maxwell asked leave of absence for seven days for Mr. Barnes, which was granted.

Mr. Darwin asked that Mr. Hale be granted leave of absence until next Wednesday. Granted.

Mr. Close moved that the doors be closed, and no members be allowed to leave the Hall without permission, which motion did not prevail.

Mr. Burnett moved that this House do now adjourn, which motion prevailed, and the House adjourned.

2 O'CLOCK, P. M.

House met pursuant to adjournment.

House resumed consideration of House File No. 40, and substitute therefor.

Ordered engrossed and read a third time.

Substitute for Senate File No. 72, A bill for an act to provide justices of the peace with a copy of the Revision of 1860, was taken up and considered.

Mr. Sapp moved to amend by inserting after the words "justices of the peace," the words "and Sheriff," which motion did not prevail.

Mr. McNutt moved to amend Section 1, by adding: *Provided*, said distribution can be made without causing a reprint of the Revision, and without diminishing the number on hand to so small a number that a reprint might be required before another Revision be required by the law.

Mr. Conway moved to amend the amendment by striking out all after the word "Revision," which motion prevailed and the amendment as amended was adopted.

The bill was ordered engrossed and read a third time.

House File No. 255, A bill for an act to repeal Section 2742 of the Revision of 1860, was taken up and considered.

Mr. Darwin moved that the bill be laid on the table, which motion prevailed.

House File No. 37, A bill for an act for the punishment of bestiality, was taken up and considered.

Mr. Bennett moved that the bill be indefinitely postponed, which motion prevailed.

House File No. 117, A bill for an act in relation to county court records, and the amendments recommended by the Judiciary Committee, was taken up and considered and the amendments of the Committee concurred in.

Ordered to be engrossed and read a third time.

House File No. 256, A bill for an act to define the time of maturity of negotiable papers, payable at sight was taken up and considered.

Mr. Holden moved that the bill be laid on the table, which motion prevailed.

Substitute for Senate File No. 10, A bill for an act to award costs against private prosecutors in preliminary examinations in criminal courts, was taken up and considered.

Mr. Poindexter moved that the bill be indefinitely postponed, which motion prevailed.

House File No. 109, A bill for an act authorizing the county of Hardin to levy a tax for the purpose of equalizing the bounty of all soldiers who have volunteered from said county, was taken up and considered.

Mr. Maxwell moved that the bill be laid on the table, which motion prevailed.

House File No. 177, A bill for an act to legalize the acts of the

Board of Supervisors of Washington county, Iowa, was taken up and considered and ordered to be engrossed and read a third time.

Substitute for Senate File No. 7, A bill for an act providing dockets for Justices of the Peace, was taken up and considered and ordered to be read a third time.

House File No. 2, A bill for an act disfranchising certain persons who evaded military service, was taken up and considered and ordered to be engrossed and read a third time.

House File No. 89, A bill for an act to amend Sections 752 and 759 of the Revision of 1860, was taken up and considered.

The amendments of the Committee were concurred in.

Ordered to be engrossed and read a third time.

House File No. 257, A bill for an act to authorize and empower counties and cities to compromise and pay off certain bonds, coupons and judgments thereon and to provide the means therefor, was taken up and considered.

Mr. Thorn moved to amend Section 4 by striking out the words "any swamp lands owned by such county, or."

The hour having arrived for the consideration of bills on third reading.

House File No. 200, A bill for an act to relinquish an escheat, was taken up and read a third time, and upon the question "shall the bill pass?" the yeas and nays were as follows:

The yeas were Messrs. Abernethy, Abbott, Alcorn, Ballinger, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Carbee, Clark, Close, Comfort, Conway, Crawford, Darwin, Dashiell, DeForest, Dudley, Dwelle, Emery, Fellows, Finkbine, Flanders, Fry, Gamble, Gary, Garrett, Garber, Glasgow, Godfrey, Graves, Griffith, Hale, Hand, Holden, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Linderman, Lowdon, Martin, Maxwell, McPherson, McNutt, McCullough, McKean, Mills, Morgan, O'Brien, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Ryan, Sapp, Safely, Serrin, Sipple, Tracy, Thacher, Travis, Tisdale, Thomson, Thorn, West, Wilcox, Wright, Wilson of Dubuque, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—87.

The nays were, none.

Absent or not voting, Messrs. Barnes, Brown of Madison, Gaylord, Goodrich, McLaughlin, O'Brien, Sherman, Rogers, Van Leuven, Walden—10.

So the bill passed, and the title was agreed to.

House File No. 245, A bill for an act limiting charges and defining duties of railroad companies, was taken up and read a third time.

Mr. Darwin moved that the House do now adjourn.

On this question Mr. Finkbine demanded the yeas and nays, which were ordered, and were as follows :

The yeas were Messrs. Abbott, Barker, Bahl, Belt, Bolter, Brown of Louisa, Brown of Van Buren, Buck, Comfort, Conway, Darwin, Dashiell, Dudley, Fellows, Flanders, Gary, Glasgow, Hale, Huggins, Knapp, Knox, Landes, Lowdon, McPherson, McCullough, Morgan, O'Brien, Sapp, Safely Serrin, Sipple, Thacher, Travis, Thorn, Wright, Wilson of Dubuque—36.

The nays were Messrs. Abernethy, Alcorn, Ballinger, Bereman, Bennett, Boomer, Brown of Decatur, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Crawford, DeForest, Dwelle, Emery, Finkbine, Fry, Gamble, Gaylord, Garrett, Garber, Godfrey, Goodrich, Graves, Griffith, Hand, Holmes, Holden, Leffingwell, Linderman, Maxwell, McNutt, McKean, Mills, Olmstead, Palmer, Poin Dexter, Rohlf, Rnnyan, Russell, Tracy, Tisdale, Thomson, West, Wilcox, Wilson of Jackson, Wilson of Marshall, Williams of Winneshiek, Mr. Speaker—52.

Absent or not voting, Messrs. Barnes, Brown of Madison, Martin, McLaughlin, Rogers, Ryan, Sherman, Van Leuven and Walden—9.

So the House refused to adjourn.

Mr. Wilson of Dubuque, moved that the bill be made a special order for 10 o'clock, A. M., to-morrow.

Mr. West moved the previous question.

Mr. Bereman moved a call of the House, which was ordered.

Pending the call, Mr. Goodrich asked leave of absence for Mr. Hale, which was not granted.

Mr. Godfrey asked leave of absence for Mr. Sherman, on account of sickness of his family, which was granted.

Mr. Comfort asked that Mr. Martin be excused, which was not granted.

Pending the call, Mr. Hale answered to his name.

Mr. Martin was found absent without leave. The Sergeant-at-Arms was directed to bring him in.

Mr. Hale moved that further proceedings under the call be dispensed with, which motion was lost.

Mr. Hale moved that Mr. Martin be excused, which motion prevailed.

The previous question was seconded. The question "Shall the main question be now put?" was decided in the affirmative.

Upon the question "Shall the bill pass?" the yeas and nays were as follows :

The yeas were Messrs. Abernethy, Alcorn, Barker, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Burnett, Carbee, Clark, Close, Crawford, DeForest, Dudley, Dwelle, Emery, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Goodrich, Graves, Hand, Holmes, Holden, Huggins, Knapp, Knox, Leffingwell, Linderman, Maxwell, McNutt,

McCullough, McKean, Mills, Olmstead, Palmer, Poindexter, Rohlf, Runyan, Russell, Safely, Serrin, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, West, Wilcox, Wilson of Jackson, Williams of Winneshiek, Mr. Speaker—59.

The nays were Messrs. Abbott, Ballinger, Bahl, Belt, Bolter, Brown of Decatur, Buck, Comfort, Conway, Darwin, Dashiell, Fellows, Flanders, Gamble, Glasgow, Godfrey, Griffith, Hand, Joy, Landes, Lowdon, Martin, McPherson, Morgan, O'Brien, Sapp, Sipple, Travis, Wright, Wilson of Dubuque, Williams of Des Moines—32.

Absent or not voting, Messrs. Barnes, Brown of Madison, McLaughlin, Rogers, Ryan, Van Leuven—6.

So the bill passed and the title was agreed to.

Mr. Russell moved that the vote by which the bill passed be reconsidered.

Mr. Hale moved to postpone the motion to reconsider for fifteen minutes.

Mr. Gamble moved to lay the motion to reconsider on the table, which motion prevailed.

Mr. Bereman asked that Mr. West have a leave of absence for one week, which was granted.

PETITIONS.

Mr. Rohlf presented two petitions from F. J. Smith, Peter Whifle, and sundry citizens of Scott county, praying for a law restraining stock from running at large.

Referred to the Committee on Agriculture.

Mr. Martin presented a petition from J. Orr, and sundry citizens of Boone county, praying that the General Assembly provide means for the maintenance of the Association known as the Iowa Soldiers' Orphans' Home.

Referred to the Committee on Orphans' Home.

Mr. Thorn presented a petition from R. S. Campbell, and sundry other citizens of Clinton county, praying that the General Assembly pass an act providing for the maintenance of the Soldiers' Orphans' Home.

Referred to the Committee on Orphans' Home.

Mr. Safely introduced a petition from T. A. Gates, and sundry other citizens of Cedar county, asking for the enactment of a law defining the duties and liabilities of conveyancers of land inclosed in common.

Referred to the Committee on Agriculture.

Mr. Safely also introduced a petition from numerous citizens of Cedar county, asking the Legislature to make an appropriation for the support of the Soldiers' Orphans' Home.

Referred to Committee on Orphans' Home.

Mr. Boomer presented two petitions from E. O. Clemans, A. S.

Blair, and sundry other citizens of Delaware county, praying that the General Assembly pass an act for the maintenance of the Iowa Soldiers' Orphans' Home.

Referred to Committee on Orphans' Home.

Mr. Hale moved that this House do now adjourn, which motion prevailed and the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, March 17, 1866. }

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by Rev. Mr. Winans.

Journal of yesterday read and approved.

REPORTS OF COMMITTEES.

Mr. Thorn, from the Committee on Compensation of Public Officers, submitted the following report:

Your committee to whom was referred the petitions of citizens of Monona county, praying against the increase of salaries, have had the same and similar ones under consideration, and have instructed me to make the following report: First—That the said petition be read by the Clerk. Second—That after reading the same, it be spread on the Journal of this House, as it reflects the opinion of the entire committee, being most fully discussed in full committee.

All of which is most respectfully submitted.

THORN, for the Committee.

Mr. Tracy moved to amend by including petitions from the Committee on Suppression of Intemperance.

Mr. Maxwell moved to lay the subject on the table, which motion prevailed.

Mr. Sherman, from the Committee on Railroads, submitted the following report:

The Committee on Railroads, to whom was referred a memorial of citizens of Winneshek county, alleging a breach of contract on the part of the McGregor Western Railroad, in building a branch Railroad to Decorah, and asking relief by legislative enactment, report that the relief asked for can be obtained by proper application to the State Courts, and recommend that the petition lay on the table.

SHERMAN, Chairman.

The report of the Committee was concurred in.

Mr. Dwelle from the Committee on Engrossed Bills submitted the following report:

MR. SPEAKER:—Your Committee on Engrossed Bills have examined the following House Files and report the same as correctly engrossed:

House File No. 135, A bill for an act to repeal Chapter 87 of the laws of the Ninth General Assembly.

House File No. 158, A bill for an act to repeal Section 2742 of the Revision of 1860, in relation to limitations of actions.

House File No. 177, A bill for an act to legalize the acts of the Board of Supervisors of Washington county, Iowa.

House File No. 2, A bill for an act disfranchising certain persons who evaded military service.

House File No. 19, A bill for an act to amend the law in reference to the execution of judgment for the foreclosure of Mortgages.

House File No. 109, A bill for an act relating to the subdivision of lands.

L. DWELLE, Chairman.

SENATE MESSAGES.

The House took up Senate File No. 150, A bill for an act for the further protection of game, which was read a first and second time and referred to the Committee on Agriculture.

Mr. Barker asked leave of the House for the Committee on the Swamp Land defalcation to sit during the session of the House, which was granted.

Substitute for Senate File No. 81, A bill for an act to amend Section 2, Chapter 115 of the Laws of the 9th General Assembly was read first and second time.

Mr. Hand moved to amend section first, by striking out the word "six," and inserting "five."

Mr. Maxwell moved to amend the amendment by striking out the words "five months," and inserting "thirty days."

Mr. Burnett moved that the bill be indefinitely postponed.

Mr. Hand moved that the bill be laid on the table.

On the motion to lay on the table, Mr. Tracy demanded the yeas and nays which were as follows:

The yeas were Messrs. Alcorn, Barker, Bahl, Belt, Bereman, Bennett, Boomer, Bolter, Brown of Louisa, Carbee, Close, DeForest, Dudley, Dwelle, Fellows, Finkbine, Flanders, Fry, Gary, Garret, Graves, Holden, Knox, Lowdon, Martin, O'Brien, Olmstead, Palmer, Poindexter, Russell, Sipple, Travis, Wright, Wilson of Dubuque, Wilson of Marshall—35.

The nays were Messrs. Abernethy, Abbott, Ballinger, Brown of Decatur, Brown of Van Buren, Brown of Winneshiek, Buck, Burnett, Comfort, Crawford, Darwin, Dashiell, Emery, Gamble,

Gaylord, Garber, Glasgow, Godfrey, Goodrich, Griffith, Hand, Holmes, Huggins, Joy, Knapp, Landes, Linderman, Maxwell, McNutt, McCullough, Mills, Morgan, Rohlf, Runyan, Sapp, Safely, Serrin, Sherman, Tracy, Thacher, Tisdale, Thomson, Thorn, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek, Mr. Speaker—48.

Absent or not voting, Messrs. Barnes, Brown of Madison, Clark, Conway, Hale, Leffingwell, McPherson, McLaughlin, McKean, Rogers, Ryan, Van Leuven, Walden, West—14.

So the motion to lay on the table was lost.

Mr. Dashiell moved to refer the bill to the Committee on Printing.

Mr. Bennett moved to instruct the Committee to authorize the Board of Supervisors to withhold pay for such publication for six months after publication and compel such paper to be published for that length of time.

Mr. Wilson of Dubuque moved to amend the instruction by providing for encouraging the permanent establishment of newspapers in counties where they are not now published, and to insert all proper and necessary safeguards against the evil of the temporary publication of newspapers for gain only.

The motion prevailed.

The motion to refer with instructions was lost.

The motion to refer to the Committee on Printing prevailed.

The Committee on Enrolled Bills presented the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills have Senate Files Nos. 189 and 149, which the Senate Committee has examined and found correct, and I present them for your signature.

Your Committee would also respectfully request that they be allowed to send up reports at any time without obtaining the floor, or having the same read, except as a part of the Journal.

Respectfully submitted,

G. J. TISDALE, Chairman.

The report of the Committee was concurred in.

The joint resolution fixing the per diem of the postmaster, assistant postmaster, and the per diem of Mr. J. D. Hunter, Clerk of the Investigating Committee, was taken up, and the House refused to concur in the Senate amendment.

BILLS ON SECOND READING.

House resumed consideration of House File No. 257, A bill for an act to authorize and empower counties and cities to compromise and pay off certain bonds, coupons and judgments thereon, and to provide means therefor.

The question being on Mr. Thorn's amendment, to strike out in section four the words, "Any swamp lands owned by such county or"—the motion did not prevail.

Mr. Dashiell moved to amend section four by adding the following proviso:

Provided always, that no county is hereby released from its obligations to make the necessary drains and levees for swamp lands, contemplated by the act of Congress passed September 28th, 1850, and the act of the General Assembly of this State, passed January 13th, 1853, which motion prevailed.

Mr. Dudley moved to amend section eight by filling the blank with Iowa State Register and Iowa Homestead, which motion prevailed.

Mr. Thorn moved to amend section four by striking out "10," and insert "8," which motion prevailed.

The bill was ordered to be engrossed and read a third time.

House File No. 258, A bill for an act to amend chapter 172 of the acts of the regular session of the Ninth General Assembly, was taken up and considered.

Mr. Close moved to make the bill a special order for Monday next, 2 P. M., which motion did not prevail.

Mr. Hand moved to amend section first, by striking out all after the enacting clause.

Mr. Abbott asked for a leave of absence till Monday noon, which was granted.

Mr. McNutt moved that when the House adjourn, it be until Monday, 9 A. M.

Upon this motion Mr. Burnett demanded the yeas and nays which were as follows:

The yeas were Messrs. Ballinger, Bahl, Belt, Bennett, Brown of Winneshiek, Buck, Clark, Close, Conway, Crawford, Dashiell, DeForest, Finkbine, Flanders Gamble, Gaylord, Godfrey, Holmes, Huggins, Joy, Knapp, Knox, Landes, Leffingwell, Liuderman, London, Maxwell, McNutt, McCullough, Mills, O'Brien, Poindexter, Rohlf, Runyan, Russell, Sapp, Sherman, Sipple, Tracy, Thomson, Thorn, Walden, Wilcox, Williams of Des Moines, Wilson of Jackson, Williams of Winneshiek—47.

The nays were Messrs. Abernethy, Alcorn, Bereman, Boomer, Bolter, Brown of Decatur, Brown of Louisa, Brown of Van Buren, Burnett, Comfort, Dudley, Dwelle, Emery, Fellows, Fry, Gary, Garrett, Garber, Glasgow, Goodrich, Hand, Holden, Martin, McPherson, Morgan, Omstead, Palmer, Safely, Thacher, Travis, Tisdale, Wright, Wilson of Marshall, Mr. Speaker—36.

Absent or not voting, Messrs. Barnes, Barker, Brown of Madison, Carbee, Darwin, Griffith, Hale, McLaughlin, McKean, Rogers, Ryan, Van Leuven, West, Wilson of Dubuque—14.

So the motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER :—I am directed to inform your Honorable Body that the Senate has passed the following bill and resolution, in which the concurrence of the House is asked :

Senate File No. 118, " A bill for an act providing for the adjustment of certain land claims with the General Government."

Preamble and joint resolution instructing our Senators and Representatives in Congress on the subject of the re-admission of the rebellious States.

JAMES M. WEART, Assistant Secretary.

By leave, Mr. Williams, of Winnesheik, presented the translation of the Governor's Inaugural Address into Norwegian, with claim for the same, which were referred to Committee on Printing.

PETITIONS.

Mr. Runyan presented a petition from J. H. Shutts, and sundry other citizens of Benton county, praying that the legislature may provide some means for the maintenance of the Iowa Soldiers' Orphans' Home, which was referred to the Committee on Orphans' Home.

Mr. Safely presented a petition from Laurie Tatum, and numerous other citizens of Cedar county, praying the legislature to make an appropriation for the support of the Soldiers' Orphans' Home.

Referred to Committee on Soldiers' Orphans' Home.

Mr. Gamble moved that this House do now adjourn, which motion prevailed, and the House adjourned.

Abstract

foreclosure of mortgages..73, 108, 146, 496, 760

BILLS—CONTINUED—

- H. F. No. 52, to amend Chapter 46, Article 1, of Revision
of 1860.....93, 132, 154
- 53, employing clerk by justices.....94, 254, 339
- 54, for change of venue..101, 130, 154, 173, 215, 242
461, 752
- 55, relating to township trustees..102, 106, 145, 155
158, 380, 715
- 56, relating to witnesses.....102, 130, 154, 173
- 57, for supervisors to compromise judgments,102, 130
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